

LAWSo f Maryland,

E N A C T E D

At a Session of ASSEMBLY,
begun and held at the City of
Annapolis, on *Tuesday*, the Ele-
venth Day of *July*, in the
Eighteenth Year of the Domi-
nion of the Right Honourable
CHARLES, Lord Baron of
Baltimore, Absolute Lord and
Proprietary of the Provinces
of *Maryland* and *Avalon*, &c.
Annoq; Domini 1732.



By *AUTHORITY.*

A N N A P O L I S:

Printed and Sold by *William Parks*, and *Edmund Hall*, M,DCC,XXXII.
Price Two Shillings to those who bought the whole Body of Laws,
and Two Shillings and Six Pence to others.

LAWSON

PRINTED

At a Session of the
begun and held at the City of
London on Tuesday the 11th
Month Day of July in the
thirtieth Year of the
Union of the Right Honourable
C H A R L E S Lord Baron of
Barnard Castle Lord and
Treasurer of the Privy
of the Treasury and
James



BY AUTHORITY

AND SOLD BY

Printed and Sold by J. G. & Co. Stationers and Printers, No. 1, Pall Mall, London.

At a Session of ASSEMBLY, begun and held at the City of ANNAPOLIS, in MARYLAND, the Eleventh Day of July, 1732, the following LAWS were Enacted.

An ACT to prohibit raising of Swine, Sheep, and Geese, in the Town of Chester, in Kent County.

WHEREAS, the Freeholders and Inhabitants of *Chester* Town, in the County of *Kent*, by their humble Petition to the Lower House of Assembly, have set forth, That divers Persons living in the same Town, do raise and keep large Quantities of Swine, Sheep, and Geese, within the same Town, whereby, not only the Grass necessary for the Support of the Cows and Horses of the Inhabitants is consumed ; but that also, the Ground is so rooted up, and the Streets so broke, that in Winter or wet Weather, they are almost impassable ; also, that the Swine there, are so numerous and ravenous, that they break into Warehouses where Grain is stored, and that several young Children have been in Danger of being devoured by them ; and that the Inhabitants cannot preserve their Gardens and Inclosures from being broke down and destroyed by them,

BE it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That no Person or Persons whatsoever, living, or to live, within the same Town, shall, after the End of this present Session of Assembly, under any Pretence whatsoever, keep or support within the same Town, any Swine, Sheep, or Geese, belonging to themselves, or any other Person whatsoever, unless such Swine, Sheep, or Geese, be kept within such Person or Persons Inclosure so keeping or supporting such Swine, Sheep, or Geese.

AND be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That any Person or Persons that shall be convicted before any Magistrate, on Confession or Proof of transgressing against this Act, shall pay One Hundred Pounds of Tobacco for each Transgression: The same to be levied on the Body, Goods, or Chattels, of the Offender, by way of Execution, as in Case of small Debts, and to be applied to the Use of the Free School of the County aforesaid.

An ACT for preventing Bribery and Corruption
in the Elections of Citizens or Delegates to serve in Assembly for the
City of Annapolis.

FOR preventing Bribery and Corruption in the Elections of Citizens or Delegates to serve in Assembly for the City of *Annapolis*, Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That upon the Election of any Member or Members to serve, for the Inhabitants of *Annapolis*, in Assembly, every Freeholder, or other Person, claiming a Vote, shall, before he is admitted to poll at the same Election, take the following Oath; or being one of the People called Quakers, shall make the solemn Affirmation appointed for Quakers, in case the same shall be demanded by any Candidate, or any Two of the Electors; that is to say,

I A. B. do swear, (or being a Quaker, solemnly affirm,) *That I have not received, or had, by my self, or any Person whatsoever in Trust for me, or for my Use, directly, or indirectly, any Sum or Sums of Money, Office, Place, or Employment, Gift, or Reward; or any Promise or Security for any Money, Office, Employment, Gift, or Reward, for giving my Vote at this Election.*

WHICH Oath, the Mayor, Recorder, or any Alderman present, is hereby impowered and required to administer *Gratis*, upon Pain to forfeit Twenty Pounds Current Money of *Maryland*, to any Person who will sue for the same: To be recovered by Action of Debt, Bill, Complaint, or Information, with full Costs of Suit, in the Provincial, or *Anne-Arundel* County Court, wherein no *Essoin*, Protection, or Wager of Law, shall be allowed.

AND be it further Enacted, That if the Mayor, Recorder, or any Alderman, shall refuse to administer the said Oath, if demanded, as aforesaid, the Mayor, Recorder, or Alderman, so refusing, shall forfeit the Sum of Twenty Pounds Current Money: To be recovered, as aforesaid, by any Person who shall sue for the same. And that every Person who shall poll or vote at any such Election, without having first taken the Oath, or if a Quaker, the solemn Affirmation, if demanded, such Person shall incur the same Penalty, which the Mayor, Recorder, or Alderman, is liable to, for the Offence above-mentioned: To be recovered, as aforesaid.

AND be it further Enacted, That the Mayor, Recorder, if present, and every Alderman present, at every such Election, shall, immediately after the reading the Writ for the Election, take and subscribe the following Oath.

I A. B. do solemnly swear, *That I have not, directly or indirectly, received any Sum or Sums of Money, Office, Place, or Employment, Gratuity, or Reward; or any Bond, Bill, Note, or any Promise, or Gratuity whatsoever, either by my self, or any other Person to my Use, or Benefit, or Advantage, for making any Return at the present Election: And that*

that I will return such Person or Persons, as shall, to the best of my Judgment, appear to have the Majority of legal Votes.

Which Oath, the Mayor, Recorder, and Aldermen present, are hereby empowered to administer to each other.

AND be it further Enacted, That any Person guilty of swearing or affirming falsely, in taking any Oath or Affirmation herein mentioned, and that shall be thereof convicted by due Course of Law, shall suffer and incur the Pains and Penalties which are inflicted, in Case of wilful and corrupt Perjury, and shall never afterwards be qualified to vote in any future Election, or be chose as a Delegate.

AND be it further Enacted, That if any Person who hath or claimeth to have, or hereafter shall have or claim to have any Right to vote in any such Election, shall ask, take, receive, any Money, or other Reward, by Way of Gift, Loan, or other Devise; or agree, or contract for any Gift, Employment, or other Reward whatsoever, to give his Vote, or to refuse or forbear to give his Vote in any such Election; or if any Person by himself, or by any Person employed by him, doth, or shall, by any Gift or Reward, or by any Promise or Security for any Gift or Reward, corrupt any Person or Persons to give his or their Vote or Votes in any such Election, or shall use any Threats or Menaces, to induce or compel any Person or Persons to give, or not to give, his or their Votes at any such Election; such Person so offending, shall, for every Offence, forfeit Fifty Pounds Current Money of *Maryland*, to any Person who will sue for the same: To be recovered, as aforesaid.

AND be it further Enacted, by the Authority aforesaid, That if any Person offending against this Act, shall, within Twelve Months next after such Election, discover any other Person or Persons offending against this Act, so that such Person or Persons be thereupon convicted, such Person so discovering, and not having been before that Time convicted of any Offence against this Act, shall be indemnified and discharged from all Penalties and Disabilities which he shall then have incurred for any Offence against this Act.

AND for the more effectual Observance of this Act, Be it Enacted, That the Mayor, Recorder, and Aldermen, shall cause the same to be read openly, after the reading the Writ of Election, and before the Electors proceed to vote.

AND be it likewise Enacted and Provided, That all Prosecutions for any Breach of this Act, shall be commenced within One Year after such Breach shall be committed, and not after; any thing herein contained to the contrary, notwithstanding.

An ACT for ascertaining the Form of the Oath of Judge or Justice.

WHEREAS, the Oath of Judge or Justice (appointed to be taken by the Statute of the Eighteenth of *Edward the Third*) does not, in many Particulars, provide for the Constitution of this Province,

BE it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That at some convenient Time, after the End of this present Session of Assembly, and before the last Day of November next, the following Oath shall be taken, as the proper Oath of Office, by the Members of the Court of Appeals, as Judges to correct Errors in Judgment and other Proceedings at Law, the Justices of the Provincial and County Courts, and the Mayor, Recorder, and Aldermen, of the City of Annapolis, for the Time being, changing only what is to be changed, according to the different Stations of such Magistrates, viz.

YOU shall swear, *That as a Justice of the Provincial Court of Maryland, in all Articles of his Lordship's Commission to you directed, you shall do equal Law and Right to all the King's Subjects, Rich and Poor, according to the Laws, Customs, and Directions, of the Acts of Assembly of this Province, so far forth as they provide, and where they are silent, according to the Laws, Statutes, and reasonable Customs of England, as used and practised within this Province; and not delay any Person of common Right for any Cause or Pretence whatsoever. And in Case any Letters, or other Commandments, shall come to you, contrary to Law, that you do nothing by them, but cause them to be entred on Record, and certify the King, the Lord Proprietary, or the Governor (for the Time being,) of them, and proceed to execute the Law, notwithstanding the same Letters or Commandments. That you shall hold your Courts according to the Acts of Assembly, and the Directions in your Commission. That you shall do and procure the Profit of the Lord Proprietary, in all Things where you may lawfully and reasonably do the same. And that you shall not debar or hinder the Prosecution of Justice, nor take any Gift, Bribe, or Fee, for delaying or rendering Judgment; but shall behave your self justly, honestly, and faithfully, to the best of your Knowledge and Understanding, so long as you shall continue in the said Office.*

So help you God.

AND be it likewise Enacted, That the same Oath shall be taken by the Members of the Court of Appeals, as Judges to correct Errors in Judgments and other Proceedings at Common Law, the Justices of the Provincial and County Courts, and the Mayor, Recorder, and Aldermen, of the City of Annapolis, for the Time being, as their proper Oath of Office to be administred, as hath been heretofore used; and that the same be administred to the Members of the Court of Appeals, as Judges to correct Errors in Judgments and other Proceedings at Common Law, the Justices of the Provincial and County Courts, and the Mayor, Recorder, and Aldermen, of the City of Annapolis, now in being, by Virtue of, and according

according to the Directions of the several Commissions, Writs of *Dedimus Poteſtatem*, or the other Authorities, that the late Form of their Oath of Office was adminiſtered by: And that after the laſt Day of *November* next, none of the Members of the Court of Appeals, as Judges to correct Errors in Judgments and other Proceedings at Common Law, nor the Juſtices of the Provincial or County Courts, nor the Mayor, Recorder, and Aldermen, of the City of *Annapolis*, be capable of acting in their reſpective Stations, without having firſt taken the ſaid Oath, as their proper Oath of Office, in Manner aforeſaid.

PROVIDED, That if the Judges in the High Court of Appeals, Provincial Courts, and Courts of Aſſize, County Courts, and Mayors Court of *Annapolis*, take the ſaid Oath, at any Time before they proceed to the Judicial Determination of any Matters of Law, in their reſpective Courts, the ſame ſhall be taken as a full Compliance with the Directions of this Act; any thing herein before contained to the contrary, notwithstanding.

An ACT for the erecting a Town on the South

Side of Cheſter River, in Queen Anne's County, for laying in Lots, Sixty Acres of Land, at the Mouth of the South-Eaſt Branch, on the South Side thereof, on a Point of Land, known by the Name of Hawkins's Prize Houſe Point.

WHEREAS ſeveral of the Inhabitants of *Queen Anne's County*, have, by their Petition to this General Aſſembly, ſet forth, That a Town is much wanting on the South Side of *Cheſter River*, and that it is generally agreed, that That Part of a Tract of Land whereon *John Hawkins* now lives, and ſuppoſed to be the Right of *John Hawkins*, Junior, Son to the aforeſaid *John Hawkins*; which ſaid Tract is commonly known by the Name of *Tully's Delight*,

BE it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Conſent of his Lordſhip's Governour, and the Upper and Lower Houſes of Aſſembly, and the Authority of the ſame, That Mr. Edward Wright, Mr. William Hemsley, Mr. Solomon Clayton, Mr. Thomas-Hynſon Wright, and Mr. Auguſtine Thompson, or any Three of them, ſhall be and are hereby appointed Commissioners for Queen Anne's County aforeſaid, and are hereby authorized and impowered, as well to agree for the buying and purchaſing Sixty Acres of Land, out of the Tract aforeſaid, and ſuch Part, not exceeding Sixty Acres, as lies moſt convenient to the Water, as for ſurveying and laying the ſame out, in the moſt convenient Manner, into Sixty equal Lots to be erected into a Town.

AND be it further Enacted, That the Commissioners aforeſaid herein before nominated and appointed, or the Major Part of them, are hereby impowered ſometime before the laſt Day of October, which ſhall be in the Year of our Lord God One Thouſand Seven Hundred and Thirty Two, to meet together on the Tract of Land aforeſaid, or ſome other convenient Place thereto; and ſhall then and there treat and agree with the Owner or Owners, and Perſons, intereſted in the ſaid Sixty Acres of Land, for the ſame,

same, and after Purchase thereof, shall cause the same to be surveyed, laid out, and divided, as near as may be, into Sixty equal Lots, allowing such sufficient Space or Quantity thereof, for Streets, Lanes, and Alleys, as to them shall seem meet, with Posts or Stakes towards every Street, Lane, or Alley; the said Lots to be numbered One, Two, Three, and so on, to Sixty, for the better and more sure distinguishing each Lot from the other. Of which Sixty Lots, the Owner or Owners of the said Land, shall have his or their first Choice for One Lot, and after such Choice, the remaining Lots may be taken up by others. And that no Person shall presume to purchase more than One Lot within the said Sixty Acres, during the first Four Months after laying out the same. And that the said Lots shall be purchased by the Inhabitants of the County aforesaid. And in Case the said Inhabitants shall not take up the said Lots within Six Months after such laying out as aforesaid, it shall then be lawful for any Person or Persons whatsoever, to take up the said Lot or Lots, paying the Owner or Owners proportionably for the same. And in Case the Owner or Owners of the aforesaid Sixty Acres of Land, shall wilfully refuse to make Sale of the same, or that through Nonage, Coverture, or any other Disability or Impediment whatsoever, are disabled to make such Sale as aforesaid; that then the Commissioners aforesaid, or the major Part of them, shall, and are, by Virtue of this Act, authorized, impowered, and required, to issue Warrants under their Hands and Seals to the Sheriff of the said County; which said Sheriff is also hereby required and impowered, upon Receipt of such Warrants, to empanel and return a Jury of the most substantial Freeholders, Inhabitants within the said County, to be and appear before the said Commissioners, at a certain Day and Time by them to be limited: Which Jury, upon their Oaths, shall enquire to whom the said Land belongs, and assess and return what Damages and Recompence they shall think fit to be awarded to the Owners of the said Sixty Acres of Land, and to all Persons interested therein, according to their several and respective Interests. And what Sum of Tobacco the said Jury shall adjudge the said Sixty Acres of Land to be worth, shall be paid to the Owners so found by their Verdict, and to all Persons they find interested therein, by such Person or Persons as shall take up the said Lots, proportionably to their Lot or Lots, which shall give the said Purchaser or Purchasers, their Heirs and Assigns, an absolute Estate of Fee Simple in the said Lot or Lots, he or they complying with the Requisites in this Act mentioned.

AND be it further Enacted, That the Surveyor of *Queen-Anne's* County, for the Time being, shall have and receive, for surveying and laying out the Town aforesaid, the Sum of Fifteen Hundred Pounds of Tobacco, and no more, to be paid and allowed him in the County Levy; and that he return a Plat thereof to the County Clerk, to be by him kept, amongst the County Records. And in Case the Taker-up of such Lot or Lots, refuse and neglect to build upon such Lot or Lots, within Eighteen Months, an House that shall cover Four Hundred square Feet; that then it shall and may be lawful for any other Person or Persons whatsoever, to enter upon the said Lot or Lots, so as aforesaid not built upon, paying such Sum of Tobacco as shall be first set and assessed upon such Lot, to the Commissioners aforesaid, or such other Person as the said Commissioners, or the major Part of them, shall nominate and appoint to receive the same, for the publick Use and Benefit of the said Town, and to be taken up a Second Time.

PROVIDED always, That such Taker-up or Purchaser, build and finish, within Eighteen Months after such his Entry made, such House, as in this Act is before limited and appointed to be built by the first Taker-up; which House so built, shall give and settle as good an Estate, to all Intents and Purposes, to such Second Taker-up and Builder, as aforesaid, his Heirs and Assigns, as is in and by this Act before limited and settled upon the First Taker-up and Builder. And in Case any of the said Lots shall be neglected to be taken up in the Town aforesaid, during the Term of Seven Years next after the Publication of this Act, that then, and in such Case, the Owner or Persons interested at first in such Land, shall, after such Time expired, be possessed and interested in the said Lot or Lots, as in their first and former Estate; any thing in this Act to the contrary, notwithstanding.

AND be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Town aforesaid, be called by the Name of Ogle Town, upon Chester.

AND be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Commissioners aforesaid, or the major Part of them, employ some sufficient Person for their Clerk; and that they cause such Clerk to take an Oath, that he shall make true and impartial Entries of their Proceedings, and assess reasonable Fees for the said Clerk, to be paid him by the several Takers-up of the said Lots: Which said Entries they shall cause to be made up in a well bound Book, and lodged with the Clerk of *Queen-Anne's County Court*, for the Inspection of any Person.

SAVING to His most Sacred Majesty, his Heirs and Successors, the Right Honourable the Lord Proprietary, his Heirs and Successors, and to all Bodies Politick and Corporate, and all Persons not mentioned in this Act, their several and respective Rights; any thing in this Act to the contrary thereof, in any-wise, notwithstanding.

AND be it further Enacted, by the Authority, Advice, and Consent aforesaid, That every Person taking up, or being in Possession of any the Lots to be taken up in the aforesaid Town, shall pay Yearly unto the Agent of the Right Honourable the Lord Proprietary, for the Time being, for the Use of the said Lord Proprietary, One Penny current Money of *Maryland*, *per Annum*, for each Lot; and that the Clerk of the said Commissioners, do transmit to his Lordship's Agent, an Account of all Lots taken up, pursuant to the Directions of this Act.

An ACT for the Trial of all Matters of Fact in the several Counties where they have arisen, or shall arise, the Continuance of Causes in the Provincial Court, and Adjournment of that Court.

WHEREAS, the Trial of Facts in the Neighbourhood where they arise, is the greatest Security of the Lives, Liberties, Fortunes, and Estates

Estates of the Subjects most agreeable to the *British* Constitution, and a very great Ease to all Persons concerned: And that the Increase of Business in the Provincial Court, renders the Decision of Causes there, without very great Delay and Expence, impracticable;

BE it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That Two Justices of the Provincial Court, on each Side of the Bay, (such as the Governor, for the Time being, shall think fit to appoint,) shall be Justices of Assize *Nisi Prius*, and Justices of Oyer and Terminer, and Gaol Delivery; and that the said Two Justices, or either of them, (in Case of Sicknels, or other Inability,) shall and may, at the respective Times in this Act mentioned, hear and try all Matters of Fact in all Actions Real, Personal, and Mixt, and all Actions Popular, for the Breach of any Law that is now depending, or that shall be commenced, in the Provincial Court, in the several Counties where the Facts have arisen, or shall arise, and not elsewhere; except in any Special Case, where it shall appear, that Justice cannot in all Probability be so equally administered to the Parties, as if the Trial should be appointed in some other Place, as fully and amply as any Justices of Assizes and *Nisi Prius* in England used, or by Law, ought or may try, hear, and determine. And that all Treasons, Murthers, Felonies, and other Crimes, Offences, and Misdemeanours, of what Nature or Quality soever, that have been, or by Law might be, tried in the Provincial Court, shall be heard, and tried, and determined, by the said Justices, in the several Counties where they shall be committed, as fully and amply as the said Offences, or any of them, might have been tried, heard, and determined, by the Provincial Court, or any Court of Oyer and Terminer, and Gaol-Delivery, according to the Laws of England, and this Province.

PROVIDED always, That nothing in this Act shall be construed to divest the County Courts of any Jurisdiction they have; and that they may hear and determine all Matters and Things within their Cognizances, as they have heretofore done; any thing in this Act to the contrary, notwithstanding.

AND be it Enacted, That Two of the Provincial Justices to be appointed, as aforesaid, on the Western Shore, or One of them, in Case of the Other's Sicknels or Inability, shall meet and hold their Courts at *Baltimore* County Court-house, the First *Tuesday* in *April* and *September*, Yearly; at *Annapolis*, for *Anne-Arundel* County, the *Mondays* after the said First *Tuesday*; at *Calvert* County Court-house, the *Friday* after the Second *Tuesdays* of the said Months; at *Saint Mary's* County Court-house, the *Wednesdays* after the Third *Tuesdays* in the said Months; at *Charles* County Court-house, the *Mondays* after the Third *Tuesdays* in the said Months; and at *Prince George's* County Court-house, the *Fridays* following. And that Two of the Provincial Justices on the Eastern Shore, to be appointed, as aforesaid, or One of them, in Case the Other should be sick, or incapable to attend, shall meet and hold their Courts at *Somerset* County Court-house, the First *Tuesdays* of the said Months, Yearly; at *Dorchester* County Court-house, the First *Mondays* after; in *Talbot* County, the *Thursdays* after the Second *Tuesdays*; at *Queen-Anne's* County

County Court-house, the *Wednesdays* after the Third *Tuesdays*; in *Kent* County, the *Mondays* after the Third *Tuesdays* in the same Months; and at *Cecil* County Court-house, the *Fridays* following; to hear, determine, and dispatch, such Business as shall be before them.

AND be it Enacted, That in all Actions now depending in the Provincial Court, where the General Issue, or other General Plea, tending to an Issue on the Country, is pleaded, the Issues shall be made up and completed by the Twentieth Day of *August* next: And that all Declarations in Actions to be commenced in the Provincial Court, shall be filed with the Clerk, within Thirty Days after every Appearance Court; and the Issue made up, where the General Issue, or other General Plea, tending to an Issue on the Country, shall be pleaded, shall be made up within Thirty Days after the filing the Declaration: But where Special Pleadings are necessary, the Court (upon Motion) may grant such Time as may be thought reasonable. And that the Plaintiff, in every Cause to be tried before the said Justices, shall give the Defendant, or his Attorney, Notice Fourteen Days before the First *Tuesdays* in *April* and *September*, Yearly, of his Intention to insist on a Trial; and that, if after such Notice given, the Cause shall be delayed until another Assize, the Party causing such Delay, shall pay all the Cost and Charge that shall be occasioned thereby.

AND be it Enacted, That the several Sheriffs shall summons Fifty of the most capable and substantial Freeholders within their Bailiwicks, Ten Days before the Beginning of the Assizes, as Grand and Petit Jurors: And that every Freeholder that shall be so summoned, and shall neglect or refuse to appear, shall incur the same Penalties and Forfeitures, as Jurors summoned to the Provincial Court are liable to: And that no Person that is not incapable, or disqualified by Law, to serve as a Juror, shall have any Exemption, except Councillors, Provincial Justices, Clergymen, and practising Physicians or Chyrurgeons; nor shall Grand Jurors be exempt from serving as Petit Jurors, in Civil Cases, at the same Assizes of *Oyer* and *Terminer*, and *Gaol Delivery*, they are returned to serve in. And that every Grand Jury shall have an Allowance, not exceeding Four Hundred Pounds of Tobacco for every Assize; and every Petit Juror Fifteen Pounds of Tobacco for every Days Attendance, to be assessed in the County Levy, as usual, besides the lawful Fees for Verdicts in Civil Cases.

AND to prevent Partiality in Trials, by Jurors, Be it Enacted, That the Name of each and every Person who shall be summoned and impanelled as a Petit Juror, shall be written in several distinct Pieces of Paper, being, as near as may be, of equal Size and Bignets, and shall be delivered to the Clerk of the Assize, or such other Person, as the said Justices shall appoint; and by the Care of the Clerk, or such Person as shall be appointed, as aforesaid, be all rolled up, as near as may be, in the same Manner, and put into a Glass or Box, to be provided for that Purpose. And when any Cause shall be brought to be tried, some indifferent Person, by Direction of the Court, may and shall, in open Court, draw out Twelve of the said Papers, one after another: And if any of the said Persons, whose Names shall be so drawn, shall not appear, or be challenged and set aside, then such further Number, until Twelve Persons shall be drawn, who shall appear, and after all Causes of Challenge, shall be allowed as fair and indifferent: And the said Twelve Persons

so first drawn and appearing, and approved as indifferent, their Names being marked in the Pannel, and they being sworn, shall be the Jury to try the said Cause; and the Names of the Persons so named, and drawn, and sworn, shall be kept in some other Box or Glass to be kept for that Purpose, till such Jury shall have given in their Verdict, and the same is recorded; or until such Jury shall, by Consent of Parties, or Leave of the Court, be discharged; and then their Names shall be rolled up again, and returned to the former Box or Glass, there to be kept with the other Names remaining at that Time undrawn, and so, as often and as long as any Cause shall remain then to be tried.

PROVIDED always, That if any Cause shall be brought to Trial, before the Jury in any other Cause shall have brought in their Verdict, or be discharged, it shall and may be lawful for the Court to order Twelve of the Residue of the said Papers, not containing the Names of any of the Jurors who shall not have brought in their Verdict, or be discharged, to be drawn in such Manner, as is aforesaid, for the Trial of the Cause which shall be so brought on to be tried.

AND to the End, that the Sheriffs may be obliged to discharge their Duty in returning the best and most capable Freeholders to be Jurymen, *Be it Enacted*, That every Sheriff who shall neglect to return the best and most capable Freeholders for Grand and Petit Jurymen, shall, for every such Neglect, be fined by the Justices of Assize, at their Discretion, not exceeding Five Thousand Pounds of Tobacco, to be applied to defray the County Charge.

AND be it Enacted, That each Justice of Assize shall be allowed, by the Publick, Five Thousand Pounds of Tobacco, to be paid in the Counties respectively where they reside, for every Circuit, and no more.

AND be it Enacted, That it shall and may be lawful for the said Justices to make all such Rules and Orders as may be convenient and necessary for the Furtherance of Justice and Right, and to impose reasonable Fines, Forfeitures, and Penalties, upon such as shall transgress them.

PROVIDED always, That such Rules and Orders shall be agreeable to the Laws of England, and this Province; and that all Sheriffs, Bailiffs, and other Officers and Persons whatsoever, shall yield due Obedience to all Process, Warrants, and Precepts, that shall be issued by, or returnable to, the said Justices.

AND be it Enacted, by the Authority, Advice, and Consent aforesaid, That the Justices of Assize, *Nisi Prius*, and *Gaol Delivery*, shall, in all Criminal and Civil Cases to be tried before them, where any Person concern'd shall desire the same, allow and direct Special Verdicts to be found: And in all Criminal Cases, where the Party accused shall desire the same, to sign and allow Bills of Exception, as they are allowed in Civil Action: And that in all Cases where Special Verdicts are found, and Bills of Exception allowed, that no Judgment shall be rendered until the next Provincial Court; to the Consideration of which Court it is to be referred; any Law, Usage, or Custom, to the contrary, notwithstanding.

AND

AND be it likewise Enacted, That where any General Verdict shall be found in any Criminal Case, against any Person before the said Justices, wherein the Judgment is not certainly known and settled by Law, or wherein the said Justices, or either of them, shall be in any Doubt, or under any Difficulty, what Judgment to give upon such Verdict, that then, and in such Case, no Judgment shall be given; but that the Judgment shall be referred to be given on such Verdict, to the Consideration of the Provincial Court, who shall and may give Judgment therein; any Law, Usage, or Custom, to the contrary, notwithstanding.

AND to the End, that the Justices of Assize *Nisi Prius*, *Oyer and Terminer*, and *Gaol Delivery*, may not be hindered from proceeding in the Decision of Matters not determinable elsewhere, (which the Time allowed by Law for their Sessions is hardly sufficient to dispatch,) in hearing Petty Offences triable in the County Courts,

BE it Enacted, That all Felonies, Trespasses, and other Evil Deeds, triable in the County Courts, by the Laws now in Being, shall be tried, heard, and determined, by the County Courts, and not elsewhere, except Riots, and other Offences, to be committed in the View of the Justices of *Oyer and Terminer*, or during their Sitting; and other Crimes and Misdemeanours, where it shall appear to the Justices of the Provincial Court, or Justices of *Oyer and Terminer*, from the Nature of the Offence, or the Circumstance of the Offender, that a Trial at the Provincial Court Bar, or before the Justices of *Oyer and Terminer*, shall be absolutely necessary.

PROVIDED always, and be it Enacted, by the Authority aforesaid, That it shall and may be lawful for the Justices of the Provincial Court, for the expediting the Causes to be tried before them, to order the Sheriff of *Anne-Arundel* County, immediately to summon a competent and sufficient Number of good and lawful Men, *de Circumstantibus*, or of the nearest Inhabitants, to serve as Jurors, and return a Pannel of them, for the Trial of any Issue to be had and tried before the said Justices of the Provincial Court.

PROVIDED always, That where any Presentment shall be found by the Grand Jury, at any Court of *Oyer and Terminer*, for a Matter triable by the County Court, and that shall, by the Justices of *Oyer and Terminer*, be referred to the County Courts for Trial, the Party presented, shall not be obliged to pay any Fees or Charges, except what shall arise on the Prosecution in the County Court; any Law, Usage, or Custom, to the contrary, notwithstanding.

SAVING to all Persons accused before the Justices of the County Courts, the Benefit of Writs of Removal and Trials in the Provincial Court, or before the Justices of Oyer and Terminer, and Goal Delivery.

AND whereas, by the Act for the Advancement of Justice, *It is Provided and Enacted*, That in all Actions to be commenced in the Provincial Court, for the Recovery of any certain Sum of Money or Tobacco

D

within

within the Jurisdiction of that Court, wherein the Plaintiff should be desirous of a speedy Trial, that if the Plaintiff should send a Copy of the Declaration in the Case, with the Writ, and cause the same to be served on, or delivered to the Defendant, or left at his or her last Place of Abode, Twenty Days at the least before the Appearance Court, it should be lawful for the Justices of the said Court, and they are by that Act required to proceed to Trial the same Court; and if the Defendant should refuse or neglect to answer, or plead to render Judgment for the Plaintiff, with Cost of Suit, unless sufficient Cause should be shewn by the Defendant, why there should be an Imparlance.

AND that, as Jurors are not summoned to the Provincial Court, but the Facts tried in the several Counties where they arise; so that, when the Defendant pleads a Matter of Fact, triable by a Jury, the Issue cannot be tried at the Appearance Court, *Be it therefore Enacted and Declared*, That where Copies of Declarations are served, or left, according to the Directions of the said Act, and no sufficient Cause shewn, for an Imparlance, and that the Defendant should plead a Matter of Fact, which is required to be done at the Appearance Court; that then, and in such Case, the Fact shall be tried at the first Assizes that shall happen after the Appearance Court in the County where the Fact hath arisen, or shall arise; any Law, Usage, or Custom, to the contrary, notwithstanding.

AND whereas Justice may be delayed, or People lose their Rights, for want of the Testimony of Witnesses, who may happen to be so sick or impotent, as to be unable Personally to attend at the Trials of Causes, to give their Evidence, *Viva Voce*, without apparent Hazard of their Lives or Healths;

BE it therefore Enacted, by the Authority, Advice, and Consent aforesaid, That where any Witness shall be summoned by any Plaintiff or Defendant, and shall be really so impotent, sick, or infirm, that he or she shall not be able to attend, according to such Summons, without apparent Hazard of the Life or Health of such Witness, (to be made appear to the Satisfaction of the Court;) that then, and in every such Case, the Party summoning such Witness, may have the Affidavit on Oath, or Affirmation, if the Witness be a Quaker, of such sick or impotent Witnesses taken before any Magistrate, not being of Kin to the Parties; and that any Affidavit so taken, the adverse Party always having timely Notice and Opportunity to cross-examine, such Witnesses shall be received as Evidence on the Trial of the Cause wherein such Witness shall be summoned, as if the Witness was present, and should deliver his or their Testimony, *Viva Voce*; any Law, Custom, or Usage, to the contrary, notwithstanding.

PROVIDED always, That if any such Witness shall wilfully and corruptly swear or affirm falsely; that then, and in every such Case, he or she shall be liable to the same Prosecution, Penalty, and Forfeiture, as Persons guilty of, or committing corrupt and wilful Perjury, are liable to.

AND *be it Enacted*, That the next Provincial Court shall begin the Third Tuesday of October next after the End of this Session of Assembly, and not before; and that all Actions now depending in that Court, of what Nature soever, shall be, and are, by this Act, continued until the said

said Third *Tuesday* of *October*: And that all Writs, Process, and Precepts, already issued, or to be issued, out of the Provincial Court, returnable to the next Court, shall be returnable to the said Third *Tuesday* of *October*: And that all Sheriffs, Coroners, and other Officers, that have arrested, or shall arrest, any Person or Persons, by Virtue of any Writ, Precept, or Process, returnable to the Second *Tuesday* of *September* next, shall be under the same Obligation to have the Party arrested, at *Annapolis*, the said Third *Tuesday* of *October*: And that all Bail Bonds taken, or that shall be taken, for the Appearance of any Person or Persons at the Provincial Court to be held the Second *Tuesday* of *September* next, shall be discharged, by Appearance of the Party or Parties, the Third *Tuesday* of *October* next; and forfeited, and assignable for the Non-Appearance of the Party or Parties then, as if such Writ, Process, and Precepts, were then returnable: And that the Provincial Courts, for the future, shall begin the Third *Tuesday* of *May* and *October*, Yearly; any Law, Usage, or other Cause, Matter, or Thing, to the contrary, notwithstanding.

PROVIDED always, That it shall and may be lawful for the Justices of the Provincial Court, as often as they shall have special Occasion for so doing, to adjourn the said Provincial Court, from the Days aforesaid, to any other convenient Time, as to them shall seem meet; any thing herein contained to the contrary, notwithstanding.

AND be it Enacted, by the Authority aforesaid, That that Part of an Act of Assembly, intituled, *An Act causing Grand and Petit Jurors to come to the Provincial and County Courts, and ascertaining their Allowances*, made at a Session of Assembly, begun and held at the City of *Annapolis*, the Twenty Sixth Day of *April*, *Anno Domini* Seventeen Hundred and Fifteen, which relates to summoning Grand and Petit Jurors to attend at the Provincial Court, be and is hereby Repealed, and made Void.

AND whereas, since last Provincial Court, fundry Persons have been committed for Crimes and Misdemeanours by them done; and Witnesses have been bound over, to testify against such Persons at next Provincial Court,

BE it therefore Enacted, That all such Commitments and Recognizances returnable before the said Provincial Court, shall be obliged to be returned by the respective Magistrates taking such Recognizances, before the Judges of Assize, in the respective Counties where the Offences have been committed; and the Offenders and Witnesses be obliged to appear, by Virtue of said Recognizances, accordingly.

AND be it further Enacted, by the Authority, Advice, and Consent aforesaid, That the Secretary, for the Time being, shall cause every Record that shall be ordered by any Attorney of the Provincial Court, to be made out for any Trial of any Issues at the Assizes, to be transmitted to the Clerk of the Assize of the Circuit where the Issue is to be tried, (who is, by this Act, obliged to receive and carry the same the Circuit,) before the Assizes for that Shore, wherein the Issue is to be tried, begins, under the Penalty of paying unto the Party that suffers, for want of the Record being transmitted, such Costs and Damages, as shall be, by the Justices of

of his Lordship's Provincial Court, judicially sitting, ordered and adjudged; which said Justices are hereby, upon Complaint made to them, required, after a summary Manner, to proceed to Judgment thereon.

PROVIDED always, That the Secretary shall not be obliged to answer any Damages or Costs to any Person, by Virtue of this Act, unless Orders in Writing, for transmitting the Records, as aforesaid, be left with the Clerk of the Provincial Court, at least Thirty Days before the Beginning of the Assizes, on the Shore where the Issue is to be tried.

PROVIDED also, That the Records being lodged with the Clerk of Assize, after the Manner aforesaid, shall not impower the Judges to compel a Trial, against the Will of the Plaintiff, unless, where the Record is taken out, at the Request of the Defendant, in order for Trial, by Proviso.

THIS Act to continue for Three Years, and to the End of the next Session of Assembly that shall happen after the said Three Years.

An ACT to prevent cutting up Tobacco Plants, destroying of Tobacco and Tobacco Houses; and for ascertaining the Punishment of Criminals guilty of the said Offences.

WHEREAS, several evil-minded Persons, have of late gone about, in many Places, in great Numbers, and violently cut up the Tobacco Plants growing on several Plantations, and seduced several honest People to countenance their outrageous Proceedings: Some of which evil-minded Persons have given out, in threatening and menacing Speeches, that Peoples Houses and Tobacco shall be burnt and destroyed. For the preventing of such Outrages, and punishing such as shall be guilty thereof,

BE it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That any Person or Persons, who shall, after the End of this present Session of Assembly, cut or destroy, or cause to be cut or destroyed, any Tobacco Plants belonging to any other Person or Persons, or by Threats, Menaces, or other sinister Means, shall cause or excite any Person or Persons to cut up or destroy any Tobacco or Tobacco Plants, belonging to any other Person or Persons, and shall be thereof convicted by due Course of Law, shall forfeit and pay unto the Party grieved, One Hundred Pounds *Sterling*, and suffer Six Months Imprisonment, without Bail or Mainprize; and shall also remain in Prison, as in Execution, until the said Sum be satisfied, in Case the Offender be of sufficient Ability to pay the same: And if the Offender shall not be of sufficient Ability, then, and in every such Case, the Offender shall remain and continue in Prison for the Space of One whole Year, without Bail or Mainprize.

PROVIDED also, That the Party grieved, shall and may have and maintain his or her Action of Trespass, or other proper Action at Law, for Recovery of Damages against the Offender; any thing herein contained to the contrary, notwithstanding.

AND

AND be it Enacted, That any Person or Persons who shall, after the End of this Session of Assembly, wilfully burn any Tobacco belonging to any other Person, whether hanging, or in bulk, or packed, or any Tobacco House or Houses, having therein any Tobacco hanging, or in bulk, or packed, and be thereof convicted by due Course of Law; and every Aider and Abettor of such Offender, shall suffer Death as a Felon, without Benefit of Clergy.

THIS Act to continue Three Years, and to the End of the next Session of Assembly, which shall happen after the End of the Three Years.

An ACT Reviving an Act for destroying Bears in Somerset County.

BE it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same. That the Act, intituled, *An Act for destroying Bears in Somerset County*, made at a Session of Assembly, begun and held at the City of Annapolis, the Third Day of October, in the Year of our Lord One Thousand Seven Hundred and Twenty Eight, be and is hereby Revived and continued to be and remain in full Force, Power, and Virtue.

An Act for the Assessment of One Hundred Thousand Pounds of Tobacco on the Taxable Inhabitants of Christ-Church Parish, in Calvert County, for the building of a Church and Vestry-Room; and for the purchasing Two Acres of Land.

WHEREAS, the Vestrymen, Churchwardens, and several other Inhabitants of *Christ-Church Parish*, in *Calvert County*, by their Petition to this General Assembly, have set forth, That their Church and Vestry-Room have lately been unfortunately burnt, and that they are desirous to build another as soon as possible; and humbly prayed, an Act might pass to empower the Vestrymen and Churchwardens of the said Parish, to agree with some Person or Persons to build a new Church and Vestry-Room on that Acre of Land where the late Church stood; and also to purchase Two Acres of Land next adjoining to the Acre whereon the Church stood, the better to secure the new Church, when built, from the like Accident; and also to enable the Justices of the Peace for the County aforesaid, to cause to be levied on the Taxable Persons in the Parish aforesaid, the Quantity of One Hundred Thousand Pounds of Tobacco, for the Uses aforesaid, but that not above the Quantity of Forty Thousand Pounds of that Tobacco should be levied in any One Year,

BE it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor,
E and

and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Justices of Calvert County Court, for the Time being, on Application of the Vestrymen and Churchwardens of the Parish aforesaid, or the major Part of them, shall cause to be levied on the Taxable Persons of the said Parish, the Quantity of One Hundred Thousand Pounds of Tobacco; but that they exceed not the Quantity of Forty Thousand Pounds of that Tobacco in any One Year. And that the Sheriff of the same County, for the Time being, shall pay unto the Vestrymen and Churchwardens of the said Parish, for the Time being, for the Uses aforesaid, such Quantity of Tobacco as shall be levied.

AND be it further Enacted, by the Authority, Advice, and Consent aforesaid, That the Vestrymen and Churchwardens aforesaid, or the major Part of them, agree with some Person or Persons for the building a Church and Vestry-Room on the same Acre of Land whereon the late Church stood; also, that they purchase Two Acres of Land, adjoining to the One Acre aforesaid, for the better Security of the Church to be built; and that they apply the Tobacco aforesaid, to be levied, as aforesaid, to the Purchase and Building aforesaid, and to no other Use.

AND be it further Enacted, That the Justices aforesaid, shall cause to be levied as aforesaid, Five per Cent. be and the aforesaid One Hundred Thousand Pounds of Tobacco, to satisfy the Sheriff for Collection.

AND be it further Enacted, That in Case the Vestrymen and Churchwardens of the said Parish, for the Time being, or the major Part of them, cannot agree with the Owner or Owners of Two Acres of Land next adjoining to the said One Acre, by Reason of the Obstinacy of the Person or Persons to whom the same belongs, or any Impediment whatsoever; that then they give Notice to the Sheriff of the same County to summons a Jury of Twelve substantial and indifferent Freeholders of the County aforesaid, to be and appear at a certain Day, at the Place where the Church stood, and the Sheriff aforesaid, is hereby authorized, required, and impowered, to administer to the said Jurors, the following Oath, *viz.*

YOU A. B. *shall true Enquiry make, as to the Real Value of any Two Acres of Land, next adjoining to this One Acre whereon the Parish Church formerly stood, and to whom the same doth belong.*

So help you God.

And that the said Vestrymen and Churchwardens, or the major Part of them, shall cause the said Two Acres of Land to be surveyed by some skilful Person, and bounded; and that on Payment of what they can agree for, or what shall be assessed by the Jury, as aforesaid, or Tender thereof to the Owner or Owners thereof, that then they shall have an absolute Estate to them and their Successors for ever, in the same Two Acres of Land: And that the Vestrymen and Churchwardens aforesaid, or the major Part of them, shall cause their Proceedings, in Relation to the said Two Acres of Land, to be entered amongst their Proceedings; which shall be deemed sufficient Testimony at any Time to prove their Title.

A Supplementary ACT to the Act, intituled, An Act to encourage the making of Linen Cloth; within this Province, of Flax or Hemp of the Growth thereof.

WHEREAS, It is Enacted and Provided by the Act, intituled, *An Act to encourage the making of Linen Cloth, within this Province, of Flax or Hemp of the Growth thereof*, That all Persons claiming the Bounty, appointed by the said Act, to be given and allowed for making Linen Cloth, shall bring the Linen, for which they shall claim such Bounty, to every *March Court*, during the Continuance of the said Act: Which Time is found to be inconvenient, for that Linen cannot well be whitened in the Winter Season,

BE it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That any Person claiming any Bounty for making Linen Cloth, by Virtue of the said recited Act, may bring the same Linen to every *June Court*, during the Continuance of the said Act: And that every Person bringing such Linen to every *June Court* respectively, shall be entitled to the same Bounty or Reward for any Linen so brought, as if the same was brought to every respective *March Court*; any thing in the said Act to the contrary, notwithstanding.

An ACT for erecting a Town on a Creek, divided on the East, from the Town lately laid out in Baltimore County, called Baltimore Town, on the Land whereon Edward Fell keeps Store.

BE it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That Mr. Thomas Sheredine, Mr. John Cockey, Mr. Robert North, Capt. John Boring, and Mr. Thomas Iodd, or any Three of them, shall be and are hereby appointed Commissioners for *Baltimore County* aforesaid, and are hereby authorized and impowered, as well to agree for the buying and purchasing Ten Acres of Land out of the Tract aforesaid, and such Part, not exceeding Ten Acres, as lies most convenient to the Water, as for surveying and laying out the same, in the most convenient Manner, into Twenty equal Lots, to be crected into a Town.

AND be it further Enacted, That the Commissioners aforesaid herein before nominated and appointed, or the major Part of them, are hereby impowered, some Time before the Thirtieth Day of *November*, which shall be in the Year of our Lord God, One Thousand Seven Hundred and Thirty Two, to meet together on the Tract of Land aforesaid, or some other convenient Place adjoining thereto, and then and there treat and agree with the Owner or Owners, and Persons interested in the said Ten Acres of Land, for the same; and after Purchase thereof, shall cause the same to be surveyed, laid out, and divided, as near as may be, into Twenty equal

equal Lots, allowing such sufficient Space or Quantity there of, for Streets, Lanes, and Alleys, as to them shall seem meet, with Posts or Stakes towards every Street, Lane, or Alley, the said Lots to be numbered One, Two, Three, and so on to Twenty, for the better and more sure distinguishing each Lot from the other; of which Twenty Lots, the Owner or Owners of the said Land, shall have his or their first Choice for One Lot; and after such Choice, the remaining Lots may be taken up by others: And that no Person shall presume to purchase more than One Lot within the said Ten Acres, during the first Four Months after laying out the same; and that the said Lots shall be purchased by the Inhabitants of the County aforesaid: And in Case the said Inhabitants shall not take up the said Lots within Six Months after such laying out, as aforesaid, it shall then be lawful for any Person or Persons whatsoever, to take up the said Lot or Lots, paying the Owner or Owners proportionably for the same. And in Case the Owner or Owners of the aforesaid Ten Acres, shall wilfully refuse to make Sale of the same; or that through Nonage, Coverture, or other Disability or Impediment whatsoever, are disabled to make such Sale, as aforesaid, that then the Commissioners aforesaid, or the major Part of them, shall and are by Virtue of this Act, authorized, impowered, and required, to issue Warrants under their Hands and Seals to the Sheriff of the said County; which said Sheriff is also hereby required and impowered, upon Receipt of such Warrants, to impanel and return a Jury of the most substantial Freeholders, Inhabitants within the said County, to be and appear before the said Commissioners, at a certain Day and Time by them to be limited: Which Jury, upon their Oaths, shall enquire to whom the said Land belongs, and assess and return what Damages and Recompence they shall think fit to be awarded to the Owners of the said Ten Acres of Land, and to all Persons interested therein, according to their several and respective Interests. And what Sum of Tobacco the said Jury shall adjudge the said Ten Acres of Land to be worth, shall be paid to the Owners so found by their Verdict, and to all Persons they find interested therein, by such Person or Persons as shall take up the said Lots, proportionably to their Lot or Lots; which shall give the said Purchaser or Purchasers, their Heirs and Assigns, an absolute Estate of Fee Simple in the said Lot or Lots, he or they complying with the Requisites in this Act mentioned.

AND be it further Enacted, That the Surveyor of *Baltimore* County, for the Time being, shall have and receive for surveying and laying out the Town aforesaid, the Sum of Four Hundred Pounds of Tobacco, and no more, to be paid and allowed him in the County Levy; and that he return a Plat thereof to the County Clerk to be by him kept amongst the County Records. And in Case, the Taker-up of such Lot or Lots refuse or neglect to build upon such Lot or Lots, within Eighteen Months, an House that shall cover Four Hundred Square Feet, that then it shall and may be lawful for any other Person or Persons whatsoever, to enter upon the said Lot or Lots, so as aforesaid not built upon, paying such Sum of Tobacco as shall be first set and assessed upon such Lot, to the Commissioners aforesaid, or such other Person as the said Commissioners, or the major Part of them, shall nominate and appoint to receive the same for the Publick Use and Benefit of the said Town, and to be taken upon a Second Time.

PRO-

PROVIDED always, That such Taker-up or Purchaser build and finish, within Eighteen Months after such his Entry made, such House, as in this Act is before limited and appointed to be built by the first Taker-up; which House so built, shall give and settle as good an Estate, to all Intents and Purposes, to such second Taker-up and Builder, as aforesaid, his Heirs and Assigns, as is in and by this Act before limited and settled upon the first Taker-up and Builder. And in Case any of the said Lots shall be neglected to be taken up in the Town aforesaid, during the Term of Seven Years next after the Publication of this Act, that then, and in such Case, the Owner, or Persons interested at first in such Land, shall, after such Time expired, be possessed and interested in the said Lot or Lots as in their first and former Estate; any thing in this Act to the contrary, notwithstanding.

AND be it Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Town aforesaid be called by the Name of Jonas Town.

AND be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Commissioners aforesaid, or the major Part of them, employ some sufficient Person for their Clerk; and that they cause such Clerk to take an Oath, that he shall make true and impartial Entries of their Proceedings, and assess reasonable Fees for the said Clerk, to be paid him by the several Takers-up of the said Lots; which said Entries they shall cause to be made up in a well bound Book, and lodged with the Clerk of Baltimore County Court, for the Inspection of any Person.

SAVING to his most Sacred Majesty, his Heirs and Successors, the Right Honourable the Lord Proprietary, his Heirs and Successors, and to all Bodies Politick and Corporate, and all Persons not mentioned in this Act, their several and respective Rights; any thing in this Act to the contrary thereof, in any-wise, notwithstanding.

AND be it further Enacted, by the Authority, Advice, and Consent aforesaid, That every Person taking up, or being in Possession of any of the Lots taken up in the aforesaid Town, shall be chargeable with, and liable to the Payment of One Penny Current Money of Maryland, per Annum, for each Lot, to the Right Honourable the Lord Proprietary, and his Heirs, for ever; and that the Clerk of the said Commissioners, do transmit to his Lordship's Agent, an Account of all Lots taken up, pursuant to the Directions of this Act.

*An ACT for laying an Imposition on Tobacco by the
Hogshead, for Support of Government, and for Payment of his Lordship's
Quit-Rents and Alienation Fines, for the Time therein mentioned.*

*BE it Enacted, by the Right Honourable the Lord Proprietary, by
and with the Advice and Consent of his Lordship's Governor, and
the Upper and Lower Houses of Assembly, and the Authority of the
same,*

same, That from and after the Twenty Ninth Day of *September* next ensuing, until the Twenty Ninth Day of *September*, which shall be in the Year of our Lord God One Thousand Seven Hundred and Thirty Three, there shall be collected and raised to the Right Honourable the Lord Proprietary, his Heirs and Successors, for every Hoghead of Tobacco which shall be exported out of this Province, the Sum of Twelve Pence *Sterling*, and for every Hundred Weight exported, in any other Package than Hogheads, Two Pence *Sterling*, and in Proportion for a greater or lesser Quantity, to be applied to the Support of Government:

PROVIDED, That in his Lordship's Absence out of this Province, the said Twelve Pence *per* Hog head, shall be applied to support the Dignity and Station of the Governor, for the Time being, actually residing within this Province, and to such other necessary Uses, for the Support of Government, as his Lordship shall appoint. And in Case of the Death or Absence of any Governor, the one Moiety of the said Twelve Pence *per* Hog head, during such Vacancy, to be applied to the Maintenance and Support of such his Lordship's Council as shall be appointed to preside within this Province, and to such other necessary Uses as his Lordship shall appoint; the other Half to be for the Support of Government, to be lodged in the Treasure's Hands, and applied towards building an House for the Governors of this Province to reside in, or to such other Uses as shall be appointed by the Governor or President, for the Time being, and the Upper and Lower Houses of Assembly.

AND be it further Enacted, That the said Duty or Import shall be satisfied and paid by all Masters of Ships, or other Vessels, exporting Tobacco out of this Province, at the Clearance of such Ship, or other Vessel, in Money *Sterling*, or good Bills of Exchange, with sufficient Security for the due Payment of them to such Officer or Officers as his Lordship shall direct and appoint to receive the same.

AND be it further Enacted, That from and after the Twenty Ninth Day of *September* next, until the Twenty Ninth Day of *September*, which shall be in the Year of our Lord One Thousand Seven Hundred and Thirty Three, there shall be raised, levied, collected, and paid, for every Hoghead of Tobacco which shall be exported out of this Province, Two Shillings *Sterling*; and for every Hundred Weight, Four Pence *Sterling*; and so in Proportion for a greater or lesser Quantity, to be paid, as aforesaid, to such Officer or Officers as his Lordship shall appoint to receive the same, in Discharge and Satisfaction of his Lordship's Quit-Rents and Alienation Fines, for the Time aforesaid. And the Master or Masters of every such Ship or Vessel coming into this Province, shall, at his or their first Arrival here, and before their lading on Board any Goods or Commodities of the Growth, Production, or Manufacture, of this Province, give good and sufficient Security for the Payment of the several Duties, before by this Act imposed.

PROVIDED always, That if any Vessel exporting Tobacco, as aforesaid, shall founder, or be shipwrecked, or otherwise destroyed, and the Tobacco therein shall be lost; that then, and in every such Case, the Proprietor or Proprietors of such Tobacco having paid the said Duties, shall and may ship as much as shall be so lost, Duty free.

AND

AND be it further Enacted, That the said Duties shall be collected and received at the Expence of the Lord Proprietary, and not otherwise.

An ACT for the erecting a Town at the Head of Wiccomoco River, in Somerset County, for laying into Lots, Fifteen Acres of Land in the Fork thereof, and at the Landing commonly now called Handy's, or Carr's Landing.

WHEREAS, several Inhabitants of Somerset County, have, by their Petition to this General Assembly, set forth, That there is a very convenient Place for a Town, at the Head of *Wiccomoco* River; and that it is generally agreed, that that Part of a Tract of Land at the Head of the said River, in a Fork thereof, now in the Possession of *William Winder*, the Son of *John Winder*, who is a Minor, and supposed to be the Right of the said *William Winder*: Which said Tract is commonly called, or known, by the Name of *Pemberton's Good-Will*,

BE it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That *Mr. John Caldwell*, *Mr. Ebenezer Handy*, *Mr. Thomas Gillys*, *Mr. Isaac Handy*, and *Mr. John Disharoon*, or any Three of them, shall be and are hereby appointed Commissioners for Somerset County aforesaid, and are hereby authorized and empowered, as well to agree for the buying and purchasing Fifteen Acres of Land out of the Tract aforesaid, and such Part, not exceeding Fifteen Acres, as lies most convenient to the Water, as for surveying and laying the same out, in the most convenient Manner, into Twenty equal Lots, to be erected into a Town.

AND be it further Enacted, That Commissioners aforesaid herein before nominated and appointed, or the major Part of them, are hereby empowered, some Time before the Tenth Day of *December*, which shall be in the Year of our Lord God, One Thousand Seven Hundred and Thirty Two, to meet together on the Tract of Land aforesaid, or some other convenient Place thereto, and shall then and there treat and agree with the Owner or Owners, and the Persons interested in the said Fifteen Acres of Land, for the same; and after Purchase thereof, shall cause the same to be surveyed, laid out, and divided, as near as may be, into Twenty equal Lots, allowing such sufficient Space or Quantity thereof, for Streets, Lanes, and Alleys, as to them shall seem meet, with Posts or Stakes towards every Street, Lane, or Alley; the said Lots to be numbered One, Two, Three, and so on to Twenty, for the better and more sure distinguishing each Lot from the other: Of which said Twenty Lots, the Owner or Owners of the said Land shall have his or their first Choice for Two Lots, and after such Choice, the remaining Lots may be taken up by others; and that no Person shall presume to purchase more than One Lot within the said Fifteen Acres, during the first Four Months after laying out the same; and that the said Lots shall be purchased by the Inhabitants of the County aforesaid. And in Case the Inhabitants shall not take up the said Lots within Six Months after such laying out, as aforesaid,

said, it shall then be lawful for any Person or Persons whatsoever, to take up the said Lot or Lots, paying the Owner or Owners proportionably for the same. And in Case the Owner or Owners of the aforesaid Fifteen Acres of Land, shall refuse to make Sale of the same, or that through Nonage, Coverture, or any other Disability or Impediment whatsoever, are disabled to make such Sale as aforesaid, that then the Commissioners aforesaid, or the major Part of them, shall and are, by Virtue of this Act, authorized, impowered, and required, to issue Warrants under their Hands and Seals, to the Sheriff of the said County; which said Sheriff is also hereby required and impowered, upon Receipt of such Warrants to impanel and return a Jury of the most substantial Freeholders, Inhabitants within the said County, to be and appear before the said Commissioners at a certain Day and Time by them to be limited: Which Jury, upon their Oaths, shall enquire to whom the said Land belongs, and assess and return what Damages and Recompence they shall think fit to be awarded to the Owners of the said Fifteen Acres of Land, and to all Persons interested therein, according to their several and respective Interests; and what Sum of Tobacco the said Jury shall adjudge the said Fifteen Acres of Land to be worth, shall be paid to the Owners so found by their Verdict, and to all Persons they find interested therein, by such Person or Persons as shall take up the said Lots, proportionably to their Lot or Lots, which shall give the said Purchaser or Purchasers, their Heirs and Assigns, an absolute Estate of Fee Simple in the said Lot or Lots, he or they complying with the requisites in this Act mentioned.

AND be it further Enacted, That the Surveyor of *Somerset County*, for the Time being, shall have and receive, for surveying and laying out the Town aforesaid, the Sum of Five Hundred Pounds of Tobacco, and no more, to be paid and allowed him in the County Levy; and that he return a Plat thereof to the County Clerk, to be by him kept amongst the County Records. And in Case the Taker-up of such Lot or Lots refuse or neglect to build upon such Lot or Lots, within Eighteen Months, an House that shall cover Four Hundred Square Feet, that then it shall and may be lawful for any other Person or Persons whatsoever, to enter upon the said Lot or Lots, so as aforesaid not built upon, paying such Sum of Tobacco as shall be first set and assessed upon such Lot, to the Commissioners aforesaid, or such other Person as the said Commissioners, or the major Part of them, shall nominate and appoint to receive the same, for the Publick Use and Benefit of the said Town, and to be taken up a Second Time.

PROVIDED always, That such Taker-up or Purchaser build and finish, within Eighteen Months after such his Entry made, such House, as in this Act is before limited and appointed to be built by the first Taker-up; which House so built, shall give and settle as good an Estate, to all Intents and Purposes, to such Second Taker-up and Builder, as aforesaid, his Heirs and Assigns, as is in and by this Act before limited and settled upon the First Taker-up and Builder. And in Case any of the said Lots shall be neglected to be taken up in the Town aforesaid, during the Term of Seven Years, next after the Publication of this Act, that then, and in such Case, the Owner, or Persons interested at first in such Land, shall, after such Time expired, be possessed and interested in the said Lot or Lots, as in their first and former Estate; any thing in this Act to the contrary, notwithstanding.

AND

AND be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Town aforesaid be called by the Name of Salisbury Town.

AND be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Commissioners aforesaid, or the major Part of them, employ some sufficient Person for their Clerk, and that they cause such Clerk to take an Oath, that he shall make true and impartial Entries of their Proceedings, and assess reasonable Fees for the said Clerk, to be paid him by the several Takers-up of the said Lots; which said Entries they shall cause to be made up in a well bound Book, and lodged with the Clerk of Somerset County Court, for the Inspection of any Person.

SAVING to His most Sacred Majesty, his Heirs and Successors, the Right Honourable the Lord Proprietary, his Heirs and Successors, and to all Bodies Politick and Corporate, and all Persons not mentioned in this Act, their several and respective Rights; any thing in this Act to the contrary thereof, in any-wise, notwithstanding.

AND be it further Enacted, by the Authority, Advice, and Consent aforesaid, That every Person taking up, or being in Possession of any the Lots taken up in the aforesaid Town, shall be chargeable with and liable to the Payment of One Penny Current Money of Maryland per Annum, for each Lot, to the Right Honourable the Lord Proprietary, and his Heirs for ever; and that the Clerk of the said Commissioners, do transmit to his Lordship's Agent, an Account of all Lots taken up, pursuant to the Directions of this Act.

AND be it further Enacted, by the Authority aforesaid, by and with the Consent aforesaid, That it shall and may be lawful for the aforesaid William Winder to build and improve upon the Two Lots that shall be set a-part or chosen for him, by Mr. John Handy, or Mr. George Dasbiel, his next Friends, so as the same be completed and finished within Eighteen Months after his Arrival to his full Age; any thing herein contained to the contrary, notwithstanding.

An ACT to encourage Adventurers in Iron-Works.

WHEREAS the making of Iron within this Province, will be advantageous to the Trade of Great-Britain, as well as beneficial to the People of Maryland,

BE it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That no White Man, who shall be employed in any Manner about Iron-Works, or in providing any Materials of any Nature or Kind soever, for the Furtherance and Carrying on any Iron-Work, or making of Iron, shall be obliged to attend at Musters, except upon very extraordinary Occasions.

cafions. And that no White Man or Slave so employed, shall be obliged to clear, or assist in clearing any Highways or Roads, or in building of any Bridge or Bridges.

PROVIDED always, That no White Man or Slave who shall be employed in making Tobacco, shall have any Exemption.

AND be it further Enacted, by the Authority aforesaid, That if any Ordinary-keeper, Victualler, or Publick House-keeper, shall, without Licence first had and obtained in Writing, from the Owner or Owners, or principal Managers of any Iron-Work, harbour or entertain any Person who shall be hired or employed in any Manner about any Iron-Work, or give them Credit for any Liquor, or other Accomodations, exceeding the Value of Five Shillings Current Money in any One Year; every Ordinary-keeper, Victualler, or Publick House-keeper, so offending, shall be liable and subject to the same Losses, Pains, and Penalties, as are provided against entertaining, harbouring, and trusting Sailors, by an Act, intituled, An Act restraining Victuallers and Keepers of Publick Houses, from entertaining Sailors, to the Prejudice of Trade and Commerce.

AND be it further Enacted, by the Authority aforesaid, That any Person so entertained, and being a legal Witness, shall be admitted and received as a Witness, in any Suit or Controversy concerning any Offence against this Act, or concerning any Claim or Demand of any Ordinary-keeper, for Expences.

An ACT for the erecting a Town in Queen-Anne's County, on Chester River, opposite to Chester Town, in Kent County, on the Land possessed by John Dempster.

WHEREAS, several of the Inhabitants of *Queen-Anne's County*, have, by their Petition to this General Assembly, set forth, That a Town is very much wanting on the South Side of *Chester River*, opposite to *Chester Town*, on a Tract of Land now in Possession of *John Dempster*, and supposed to be the Right of the said *Dempster*,

BE it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That Mr. William Femsley, Mr. Solomon Clayton, Mr. Edward Wright, Mr. Augustine Thompson, and Mr. James Gold, or any Three of them, shall be and are hereby appointed Commissioners for Queen-Anne's County aforesaid, and are hereby authorized and impowered, as well to agree for the buying and purchasing Thirty Acres of Land out of the Tract aforesaid, and such Part, not exceeding Thirty Acres, as lies most convenient to the Water, as for surveying and laying the same out, in the most convenient Manner, into Thirty equal Lots, to be erected into a Town.

AND be it further Enacted, That Commissioners aforesaid herein before nominated and appointed, or the major Part of them, are hereby impowered, some Time before the Last Day of December, which shall be

be in the Year of our Lord God, One Thousand Seven Hundred and Thirty Two, to meet together on the Tract of Land aforesaid, or some other convenient Place thereto adjacent, and shall then and there treat and agree with the Owner or Owners, or Persons interested in the said Thirty Acres of Land, for the same; and after Purchase thereof, shall cause the same to be surveyed, laid out, and divided, as near as may be, into Thirty equal Lots, allowing such sufficient Space or Quantity thereof, for Streets, Lanes, and Alleys, as to them shall seem meet, with Posts or Stakes towards every Street, Lane, or Alley; the said Lots to be numbered One, Two, Three, and so on to Thirty, for the better and more sure distinguishing each Lot from the other: Of which Thirty Lots, the Owner or Owners of the said Land shall have his or their first Choice for One Lot, and after such Choice, the remaining Lots may be taken up by others; and that no Person shall presume to purchase more than One Lot within the said Thirty Acres, during the first Four Months after laying out the same; and that the said Lots shall be purchased by the Inhabitants of the County aforesaid. And in Case the said Inhabitants shall not take up the said Lots within Six Months after such laying out, as aforesaid, it shall then be lawful for any Person or Persons whatsoever, to take up the said Lot or Lots, paying the Owner or Owners proportionably for the same. And in Case the Owner or Owners of the aforesaid Thirty Acres of Land, shall wilfully refuse to make Sale of the same, or that through Nonage, Coverture, or any other Disability or Impediment whatsoever, are disabled to make such Sale as aforesaid, that then the Commissioners aforesaid, or the major Part of them, shall and are, by Virtue of this Act, authorized, empowered, and required, to issue their Warrants under their Hands and Seals, to the Sheriff of the said County; which said Sheriff is also hereby required and empowered, upon Receipt of such Warrants, to impanel and return a Jury of the most substantial Freeholders, Inhabitants within the said County, to be and appear before the said Commissioners at a certain Day and Time by them to be limited: Which Jury, upon their Oaths, shall enquire to whom the said Land belongs, and assess and return what Damages and Recompence they shall think fit to be awarded to the Owners of the said Thirty Acres of Land, and to all Persons interested therein, according to their several and respective Interests; and what Sum of Tobacco the said Jury shall adjudge the said Thirty Acres of Land to be worth, shall be paid to the Owner or Owners so found by their Verdict, and to all Persons they find interested therein, by such Person or Persons as shall take up the said Lots, proportionably to their Lot or Lots, which shall give the said Purchaser or Purchasers, their Heirs and Assigns, an absolute Estate of Fee Simple in the said Lot or Lots, he or they complying with the requisites in this Act mentioned.

AND be it further Enacted, That the Surveyor of *Queen-Anne's* County, for the Time being, shall have and receive, for surveying and laying out the Town aforesaid, the Sum of Seven Hundred and Fifty Pounds of Tobacco, and no more, to be paid and allowed him in the County Levy; and that he return a Plat thereof to the County Clerk, to be by him kept amongst the County Records. And in Case the Taker-up of such Lot or Lots refuse or neglect to build upon such Lot or Lots, within Eighteen Months, an House that shall cover Four Hundred Square Feet, that then it shall and may be lawful for any other Person or Persons whatsoever, to enter upon the said Lot or Lots, so as aforesaid not built upon, paying such

Sum

Sum of Tobacco as shall be first set and assessed upon such Lot, to the Commissioners aforesaid, or such other Person as the said Commissioners, or the major Part of them, shall nominate and appoint to receive the same, for the Publick Use and Benefit of the said Town, and to be taken up a Second Time.

PROVIDED always, That such Taker-up or Purchaser build and finish, within Eighteen Months after such his Entry made, such House, as in this Act is before limited and appointed to be built by the first Taker-up; which House so built, shall give and settle as good an Estate, to all Intents and Purposes, to such Second Taker-up and Builder, as aforesaid, his Heirs and Assigns, as is in and by this Act before limited and settled upon the First Taker-up and Builder. And in Case any of the said Lots shall be neglected to be taken up in the Town aforesaid, during the Term of Seven Years, next after the Publication of this Act, that then, and in such Case, the Owner, or Persons interested at first in such Land, shall, after such Time expired, be possessed and interested in the said Lot or Lots, as in their first and former Estate; any thing in this Act to the contrary, notwithstanding.

AND be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Town aforesaid be called by the Name of *King's Town*.

AND be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Commissioners aforesaid, or the major Part of them, employ some sufficient Person for their Clerk; and that they cause such Clerk to take an Oath, that he shall make true and impartial Entries of their Proceedings, and assess reasonable Fees for the said Clerk, to be paid him by the several Takers-up of the said Lots; which said Entries they shall cause to be made up in a well bound Book, and lodged with the Clerk of *Queen-Anne's* County Court, for the Inspection of any Person.

SAVING to his most Sacred Majesty, his Heirs and Successors, the Right Honourable the Lord Proprietary, his Heirs and Successors, and to all Bodies Politick and Corporate, and all Persons not mentioned in this Act, their several and respective Rights; any thing in this Act to the contrary thereof, in any-wise, notwithstanding.

AND be it further Enacted, by the Authority, Advice, and Consent aforesaid, That every Person taking up, or being in Possession of any of the Lots taken up in the aforesaid Town, shall be chargeable with, and liable to the Payment of One Penny Current Money of *Maryland*, per Annum, for each Lot, to the Right Honourable the Lord Proprietary, and his Heirs, for ever; and that the Clerk of the said Commissioners, do transmit to his Lordship's Agent, an Account of all Lots taken up, pursuant to the Directions of this Act.

An ACT to prohibit raising of Swine in Upper-Marlborough Town, in Prince-George's County.

WHEREAS, the Freeholders and Inhabitants of *Upper-Marlborough Town*, in *Prince-George's County*, by their humble Petition to the Lower House of Assembly, have set forth, That divers Persons living in the same Town, do raise and keep large Quantities of Swine within the same Town, to the great Prejudice of the Inhabitants thereof,

BE it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That no Person or Persons whatsoever, living or to live within the same Town, shall, after the Thirtieth Day of November next, under any Pretence whatsoever, keep or support, within the same Town, any Swine belonging to themselves, or any other Person whatsoever, unless such Swine be kept within such Person or Persons Inclosure so keeping or supporting such Swine.

AND be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That any Person or Persons that shall be convicted before any Magistrate, on Confession, or Proof, of transgressing against this Act, shall pay One Hundred Pounds of Tobacco for each Transgression: The same to be levied on the Body, Goods, or Chattels, of the Offender, by Way of Execution, as in Case of small Debts, and to be applied to the Use of the Free-School of the Country aforesaid.

An ACT for the erecting a Town at the Bridge near the Head of Great Choptank River, in Dorchester and Queen-Anne Counties.

WHEREAS, the Inhabitants of *Dorchester* and *Queen-Anne* Counties, by their Petition, have made appear to this Assembly, the great Benefits that may arise to Themselves, and Others, by having a Town erected and laid out at the Bridge, near the Head of *Great Choptank River*, in *Dorchester* and *Queen-Anne* Counties:

BE it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same; That Mr. Peter Taylor, Captain Henry Hooper, Mr. John White, Mr. William Fensley, Mr. Solomon Clayton, and Mr. Edward Wright, or any Three of them, shall be and are hereby appointed Commissioners for the Counties aforesaid, and are hereby authorized and impowered, as well to agree for the buying and purchasing Forty Acres of Land; that is to say, Twenty Acres in each County aforesaid, at the said Choptank Bridge, and such Part, not exceeding Forty Acres, as lies most convenient

to the said River, as for surveying and laying out the same, in the most convenient Manner, into Forty equal Lots, to be erected into a Town.

AND be it further Enacted, That the Commissioners aforesaid herein before nominated and appointed, or the major Part of them, are hereby impowered, some Time before the Last Day of *March*, which shall be in the Year of our Lord God One Thousand Seven Hundred and Thirty Three, to meet together at the said Bridge, or some other convenient Place thereto, and shall then and there treat and agree with the Owner or Owners, and Persons interested in the said Forty Acres of Land; and after Purchase thereof, shall cause the same to be surveyed, laid out, and divided, as near as may be, into Forty equal Lots, allowing such sufficient Space or Quantity thereof, for Streets, Lanes, and Alleys, as to them shall seem meet, with Posts or Stakes towards every Street, Lane, or Alley; the said Lots to be numbered One, Two, Three, and so on to Forty, for the better and more sure distinguishing each Lot from the other: Of which Forty Lots, the Owner or Owners of the said Land on each Side, shall have his or their first Choice for One Lot, and after such Choice, the remaining Lots may be taken up by others; and that no Person shall presume to purchase more than One Lot within the said Forty Acres to be laid out, as aforesaid, during the first Four Months after laying out the same; and that the said Lots shall be purchased by the Inhabitants of each County where the Twenty Acres of Land on each Side the said River shall be situated. And in Case the said Inhabitants shall not take up the said Lots within Six Months after such laying out, as aforesaid, it shall then be lawful for any Person or Persons whatsoever, to take up any such Lot or Lots, paying the Owner or Owners proportionably for the same. And in Case the Owner or Owners of the said Forty Acres of Land, shall wilfully refuse to make Sale of the same, or through Nonage, Coverture, or any other Disability or Impediment whatsoever, are disabled to make such Sale as aforesaid, that then the Commissioners aforesaid, or the major Part of them, shall and are, by Virtue of this Act, authorized, impowered, and required, to issue Warrants under their Hands and Seals, to the Sheriff or Sheriffs of the said County; which said Sheriff or Sheriffs are also hereby required and impowered, upon Receipt of such Warrants, to impanel and return a Jury of the most substantial Freeholders, Inhabitants within the said Counties, to be and appear before the said Commissioners at a certain Day or Time by them limited: Which Jury, upon their Oaths, shall enquire to whom the said Land belongs, and assess and return what Damages and Recompence they shall think fit to be awarded to the Owners of the said Twenty Acres of Land lying on each Side of the said River, and to all Persons interested therein, according to their several and respective Interests; and what Sum of Tobacco the said Jury or Juries shall adjudge the said Twenty Acres of Land to be worth, on each Side the said River aforesaid, shall be paid to the Owners so found by their Verdict, and to all Person or Persons they find interested therein, by such Person or Persons as shall take up the said Lots, proportionably to their Lot or Lots, which shall give the said Purchaser or Purchasers, their Heirs and Assigns, an absolute Estate in Fee Simple in the said Lot or Lots, he, she, or they complying with the requisites in this Act mentioned.

AND be it further Enacted, That the Surveyor of *Queen-Anne's* County, shall have and receive, for surveying and laying out the

the Town aforesaid, the Sum of Eight Hundred Pounds of Tobacco, and no more, to be paid and allowed him by even and equal Portions, at the laying of the Levies in the abovesaid Counties; and that he return a Plat thereof to the Clerk of each County aforesaid, to be by them kept amongst the Records of the said Counties. And in Case the Taker-up of such Lot or Lots refuse or neglect to build upon such Lot or Lots, within Eighteen Months, an House that shall cover Four Hundred Square Feet, that then it shall and may be lawful for any other Person or Persons whatsoever, to enter upon the said Lot or Lots, so as aforesaid not built upon, paying such Sum of Tobacco as shall be first set and assessed upon such Lot, to the Commissioners aforesaid, or such other Person as the said Commissioners, or the major Part of them, shall nominate and appoint to receive the same, for the Publick Use and Benefit of the said Town, and to be taken up the Second Time.

PROVIDED always, That such Taker-up or Purchaser build and finish, within Eighteen Months after such his Entry made, such House, as in this Act is before limited and appointed to be built by the first Taker-up; which House so built, shall give and settle as good an Estate, to all Intents and Purposes, to such Second Taker-up and Builder, as aforesaid, his Heirs and Assigns, as is in and by this Act before limited and settled upon the First Taker-up and Builder. And in Case any of the said Lots shall be neglected to be taken up in the Town aforesaid, during the Term of Seven Years, next after the Publication of this Act, that then, and in such Case, the Owner, or Persons interested at first in such Land, shall, after such Time expired, be possessed and interested in the said Lot or Lots, as in their first and former Estate; any thing in this Act to the contrary, notwithstanding.

AND be it further Enacted, by the Authority aforesaid, That the Town aforesaid be called by the Name of *Bridge Town*.

AND be it further Enacted, That the Commissioners aforesaid, or the major Part of them, employ some sufficient Person for their Clerk; and that they cause such Clerk to take an Oath, that he shall make true and impartial Entries of their Proceedings, and assess reasonable Fees for the said Clerk, to be paid him by the several Takers-up of the said Lots; which said Entries they shall cause to be made up in a well bound Book, and lodged with the Clerk of *Queen-Anne's County Court*, for the Inspection of any Person.

SAVING to his most Sacred Majesty, his Heirs and Successors, the Right Honourable the Lord Proprietary, his Heirs and Successors, and to all Bodies Politick and Corporate, and all Persons not mentioned in this Act, their several and respective Rights; any thing in this Act to the contrary, notwithstanding.

AND be it further Enacted, That every Person taking up, or being in Possession of any of the Lots taken up in the aforesaid Town, shall be chargeable with, and liable to the Payment of One Penny Current Money of *Maryland*, per Annum, for each Lot, to the Right Honourable the Lord Proprietary, and his Heirs, for ever; and that the Clerk of the said Commissioners, do transmit to his Lordship's Agent, an Account of all Lots taken up, pursuant to the Directions of this Act.

An ACT for the speedy Recovery of small Debts out of Court, before a single Justice of the Peace

FOR AS MUCH as it is requisite, That there be some Remedy for the Recovery of small Debts; and it being thought that the Jurisdiction of a single Justice of the Peace, by the Law heretofore made, is not extensive enough,

BE it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That in all such Cases, wherein the real Debt or Damage doth not exceed Six Hundred Pounds of Tobacco, or Fifty Shillings Current Money, it shall and may be lawful for any one Justice of the Peace, of each respective County wherein the Debtor doth reside, to try, hear, and determine, the Matter of Controversy, between the Creditor and Debtor, and upon full hearing of the Allegations and Evidences of both Parties, shall give Judgment according to the Equity and Right of the Matter; and if Need be, charge the Constable with the Body of the Debtor in Execution, who is hereby obliged and impowered, to carry the Person so committed, to the Sheriff of the County, together with a Certificate or Mittimus from such Justice, wherein shall be certified the Debt and Cost, whereof such Person shall be convict by him, to be safely kept, until Satisfaction, or other End thereof, or otherwise, that such Justice shall award Execution on such his Judgment, (directed to the Sheriff of the County,) by Warrant or Mittimus. in the Nature of a *Capias ad satisfaciendum, fieri facias*, or otherwise; and that in Case upon the Return of any Warrant, or any Complaint issued by any such Justice, it shall appear, that the Person against whom the same shall Issue is not found, it shall and may be lawful for the Creditor to proceed in the several and respective County Courts, for obtaining an Attachment, according to the Directions of the Act for *issuing out Attachments in this Province and limiting the Extent of them, against the Goods, Chattels, and Credit of such Persons, for any sum exceeding Two Hundred Pounds of Tobacco, or Sixteen Shillings and Eight Pence in Money*; any thing in the Act for the better Administration of Justice, in the several Courts of this Province; and for the speedy Recovery of Debts, &c. or any other Law to the contrary, notwithstanding.

AND be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That an Act of Assembly, made at a Session of Assembly, held at the City of *Annapolis*, on the Twenty Sixth Day of April, *Anno Domini* Seventeen Hundred and Fifteen, intitled, *An Act for the speedy Recovery of small Debts out of Court, before a single Justice of the Peace*, be. and is hereby abrogated, repealed, and made void.

AND be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Justices of the several County Courts within this Province, shall not hold Plea of any Debt or Damage, which shall not exceed Six Hundred Pounds of Tobacco, or Fifty Shillings Current Money; any Law, Usage, or Custom to the contrary notwithstanding.

PRO-

PROVIDED nevertheless, That nothing in the said Act, shall hinder the Justices aforesaid, from holding Plea of any Debt or Damage, where the Suits are, or shall be commenced before the Publication hereof, for any Sum above Four Hundred Pounds of Tobacco, or Thirty Three Shillings and Four Pence Current Money, and under Six Hundred Pounds of Tobacco, or Fifty Shillings Currency; any thing in the abovesaid Act to the contrary, notwithstanding.

BE it Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That it shall and may be lawful, for the Justices before whom any Trial shall be, for any Sum above Four Hundred Pounds of Tobacco, or Thirty Three Shillings and Four Pence Current Money, to demand and receive, as a Reward for hearing, determining, and entering Judgment, the Sum of Two Shillings and Six Pence Current Money, or Thirty Pounds of Tobacco, and no more.

THIS Act to continue for Three Years, and to the End of the next Session of Assembly which shall be after the Three Years.

An ACT reviving and continuing an Act of Assembly of this Province, intituled, An Act for the better Relief of poor Debtors.

BE it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of this present General Assembly, and the Authority of the same, That the above-mentioned Act, intituled, *An Act for the better Relief of poor Debtors*, made at a Session of Assembly, begun and held at the City of *Annapolis*, the Ninth Day of *October*, *Anno Domini* Seventeen Hundred and Twenty Two, be and is hereby revived and continued, to be and remain in full Force, for and during the Term of Three Years, from the End of this Session of Assembly, and to the End of the next Session of Assembly which shall happen after the said Three Years.

An ACT for laying out a-new Fifteen Acres of Land, Part of the One Hundred Acres of Land, formerly erected into a Town, commonly called Benedict-Leonard Town, upon Patuxent River, in Charles County, besides the Lots which have been already taken up, pursuant to the Directions of former Laws: And to restrain the Inhabitants from keeping any Stock, except within their Inclosure, in the said Town.

WHEREAS, formerly there was laid out in *Charles County*, on *Patuxent River*, a Town commonly called *Benedict-Leonard Town*, containing One Hundred Acres of Land, the Bounds whereof, are very uncertain, and the Improvements very much hindered, by Reason all the Lots were not taken up and improved in Time: And whereas, it is re-

presented to this General Assembly, That the said Place is very convenient for a Town, and several People desirous to settle in the same, could they be well secured in their Lots; and there being no Provision made, by any Act in Force, for the taking up and building on Lots in the same Place. And whereas also, the said One Hundred Acres, by this General Assembly, is thought to be by far too much for that Place,

BE it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the That Col. Robert Hanson, Mr. Samuel Hanson, Col. John Fendall, Mr. Henry Holland Hawkins, and Col. Thomas Trueman Greenfield, or any Three of them, are hereby appointed Commissioners for Charles County aforesaid, and are hereby authorized and impowered, as well to agree for the buying and purchasing Fifteen Acres of Land, out of the Tract aforesaid, to be added to such Lots, as have already been taken up; and such Part, not exceeding Fifteen Acres, as lies most convenient to the Water, adjoining to the Lots formerly taken up, as for surveying and laying out the same, in the most convenient Manner, into Twenty equal Lots, to be erected into a Town.

AND be it further Enacted, That the Commissioners aforesaid herein before nominated and appointed, or the major Part of them, are hereby impowered, some Time before the Thirtieth Day of November, which shall be in the Year of our Lord God One Thousand Seven Hundred and Thirty Two, to meet together on the Tract of Land aforesaid, or some other convenient Place thereto, and shall then and there treat and agree with the Owner or Owners, and Persons interested in the said Fifteen Acres of Land, for the same; and after Purchase thereof, shall cause the same to be surveyed, laid out, and divided, as near as may be, into Twenty equal Lots, allowing such sufficient Space or Quantity thereof, for Streets, Lanes, and Alleys, as to them shall seem meet, with Posts or Stakes towards every Street, Lane, or Alley, the said Lots to be numbered One, Two, Three, and so on to Twenty, for the better and more sure distinguishing each Lot from the other: Of which Twenty Lots, the Owner or Owners of the said Land, shall have his or their first Choice for One Lot, and after such Choice, the remaining Lots may be taken up by others; and that no Person shall presume to purchase more than One Lot within the said Fifteen Acres, during the first Four Months after laying out the same; and that the said Lots shall be purchased by the Inhabitants of the County aforesaid. And in Case the said Inhabitants shall not take up the said Lots within Six Months after such laying out, as aforesaid, it shall then be lawful for any Person or Persons whatsoever, to take up the said Lot or Lots, paying the Owner or Owners proportionably for the same. And in Case the Owner or Owners of the aforesaid Fifteen Acres of Land, shall wilfully refuse to make Sale of the same, or that through Nonage, Coverture, or any other Disability or Impediment whatsoever, are disabled to make such Sale, as aforesaid, that then the Commissioners aforesaid, or the major Part of them, shall and are, by Virtue of this Act, authorized, impowered, and required, to issue Warrants under their Hands and Seals, to the Sheriff of the said County; which said Sheriff is also hereby required and impowered, upon Receipt of such Warrants, to impanel and return a Jury of the most substantial Freeholders, Inhabitants within the said County,

County, to be and appear before the said Commissioners at a certain Day and Time by them to be limited: Which Jury, upon their Oaths, shall enquire to whom the said Land belongs, and assess and return what Damages and Recompence they shall think fit to be awarded to the Owners of the said Fifteen Acres of Land, and to all Persons interested therein, according to their several and respective Interests; and what Sum of Tobacco the said Jury shall adjudge the said Fifteen Acres of Land to be worth, shall be paid to the Owners so found by their Verdict, and to all Persons they find interested therein, by such Person or Persons as shall take up the said Lots, proportionably to their Lot or Lots, which shall give the said Purchaser or Purchasers, their Heirs and Assigns, an absolute Estate of Fee Simple in the said Lot or Lots, he or they complying with the Requisites in this Act mentioned.

AND be it further Enacted, That the Surveyor of *Charles County*, for the Time being, shall have and receive, for surveying and laying out the Town aforesaid, the Sum of Six Hundred Pounds of Tobacco, and no more, to be paid and allowed him in the County Levy; and that he return a Plat thereof to the County Clerk, to be by him kept amongst the County Records. And in Case the Taker-up of such Lot or Lots refuse or neglect to build upon such Lot or Lots, within Eighteen Months, an House that shall cover Four Hundred Square Feet, exclusive of Sheds, that then it shall and may be lawful for any other Person or Persons whatsoever, to enter upon the said Lot or Lots, so as aforesaid not built upon, paying such Sum of Tobacco as shall be first set and assessed upon such Lot, to the Commissioners aforesaid, or such other Person as the said Commissioners, or the major Part of them, shall nominate and appoint to receive the same, for the Publick Use and Benefit of the said Town, and to be taken up a Second Time.

PROVIDED always, That such Taker-up or Purchaser build and finish, within Eighteen Months after such his Entry made, such House, as in this Act is before limited and appointed to be built by the first Taker-up; which House so built, shall give and settle as good an Estate, to all Intents and Purposes, to such Second Taker-up and Builder, as aforesaid, his Heirs and Assigns, as is in and by this Act before limited and settled upon the First Taker-up and Builder. And in Case any of the said Lots shall be neglected to be taken up in the Town aforesaid, during the Term of Seven Years, next after the Publication of this Act, that then, and in such Case, the Owner, or Persons interested at first in such Land, shall, after such Time expired, be possessed and interested in the said Lot or Lots, as in their first and former Estate; any thing in this Act to the contrary, notwithstanding.

AND be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid. That the Town aforesaid, be called by the Name of *Benedict-Leonard Town*.

AND be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Commissioners aforesaid, or the major Part of them, employ some sufficient Person for their Clerk; and that they cause such Clerk to take an Oath, that he shall make true and impartial Entries of their Proceedings, and assess reasonable Fees for the said Clerk,

Clerk, to be paid him by the several Takers-up of the said Lots; which said Entries they shall cause to be made up in a well bound Book, and lodged with the Clerk of *Charles County*, for the Inspection of any Person.

AND be it further Enacted, That no Person or Persons whatsoever, living or to live within the same Town, shall, after the End of this present General Assembly, under any Pretence whatsoever, keep or support within the same Town, any Swine, Geese, Sheep, Cattle, and Horses, belonging to themselves, or any other Person whatsoever, unless such Swine, Geese, Sheep, Cattle, and Horses, be kept within such Person or Persons Inclosure so keeping or supporting such Swine, Geese, Sheep, Cattle, and Horses.

AND be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That any Person or Persons that shall be convicted before a single Magistrate, on Confession, or Proof of keeping and supporting within the said Town, out of his, her, or their Inclosure, any Cattle, Geese, Sheep, Hogs, or Horses, shall pay One Hundred Pounds of Tobacco for each Transgression: The same to be levied on the Body, Goods, or Chattels, of the Offender, by Way of Execution, as in Case of small Debts, and to be applied to the Use of the Free-School of the County aforesaid.


SAVING to his most Sacred Majesty, his Heirs and Successors, the Right Honourable the Lord Proprietary, his Heirs and Successors, and to all Bodies Politick and Corporate, and all Persons not mentioned in this Act, their several and respective Rights; any thing in this Act to the contrary thereof, in any-wise, notwithstanding.

AND be it further Enacted, by the Authority, Advice, and Consent aforesaid, That every Person taking up, or being in Possession of any of the Lots taken up in the aforesaid Town, shall be chargeable with, and liable to the Payment of One Penny Current Money of *Maryland*, per Annum, for each Lot, to the Right Honourable the Lord Proprietary, and his Heirs, for ever; and that the Clerk of the said Commissioners, do transmit to his Lordship's Agent, an Account of all Lots taken up, pursuant to the Directions of the said Act.

A Supplementary ACT to the Act for Stay of Execution after the Tenth of May.

BE it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That where any Execution or Executions have been already issued before the Tenth of *May* last, or shall be issued before the Tenth of *May*, in any Year, against the Body or Goods of any Person or Persons inhabiting within this Province; and the Person or Persons against whom such Execution or Executions have issued, or shall hereafter issue, were not, nor shall not be taken, by Virtue of the said Execution or Executions till after the Tenth of *May*, in any Year, that in all such Cases, it shall and may be lawfu

And as for touching and concerning the said use and estate in the ultimate revⁿ in fee hereinafter before limited in use unto the v.^o R.^o Earl of Scarborough and W^m Earl of Strafford and their Heirs It is hereby declared and agreed by and bet the parties to these presents that the said use and estate is and was so hereby limited to them upon the several trusts and for the several intents and purposes following (that is to say) Upon trust and to the intent and purpose that the v.^o R.^o Earl of Scarborough and W^m Earl of Strafford or the surv^r of them or the Heirs of such surv^r Do^r shall within the space of 20 years next after the dece^{ase} of the survivor of them the v.^o Edw.^o Duke of Norfolk Chas^r Howard the father Chas^r Howard the son Hen^r Howard of Sheffield Bernard Edw.^o Howard Hen^r Tho^s Howard and Hen^r Earl of Suffolk and Berkshire taking therein the advice and assistance of the most able Heralds and genealogists by good and sufficient deed conveyances assurances effectually convey settle & assure the v.^o Earl's manors Lordships Boroughs Hospes Tarnus lands Tenements & Heredit^s hereinbefore ment^d to be hereby granted and released in such strict order & course of succession, as that the same Heredit^s & premises may from time to time go and remain unto and to the use of the person and persons who after failure of issue male of the v.^o Henry Earl of Suffolk & Berkshire shall be entitled to have and enjoy the Title and dignity of Duke of Norfolk by and under the limitations thereof in the letter patent or royal grant or grants whereby the v.^o dignity was originally granted or by virtue of any act of Parliament made and passed in this realm for the restitution in blood of any of the posterity of any person or persons of the name of Howard who hath or have or may have been Duke or Dukes of Norfolk And for that purpose It is hereby declared by bet all the parties to these presents that the v.^o R.^o Earl of Scarborough & W^m Earl of Strafford

and the survivor of them and the Heirs and as^{ts} of such
survivor shall so settle ~~and~~ assure and entail the s^d Heredit^{ies}
and premises as that the same failing issue male of the body of
the s^d Hen: Earl of Suffolk & Berkshire may go and remain
to and to the use of the Uncles of the s^d Hen: Earl of Suffolk and
their issue male successively according to priority of birth the
elder of such uncles and his issue male to take and be
preferred before the younger of such uncles and his issue
male successively and such uncles to be made tenants
for life with reasonable powers of leasing with Rem^{er} to
their several issue male in as ~~distinct~~ strict a course
of succession and settlement as the rules of Law and equity
will permit and failing of ^{such} issue male unto and to the use
of the remaining male descendants of the said Lord Thomas
Howard afterwards Earl of Suffolk second son of the said Tho^s
heretofore Duke of Norfolk long since deceased in like order &
course of succession and settlement and failing such issue male
to the male descendants of the Right Honble Lord W^m Howard
deceased one other of the sons of the said Tho^s heretofore
Duke of Norfolk so long since deceased taking in that line
The Right Honble Frederick now Earl of Carlisle and the
issue male of his body in case he and them shall be next
entitled to succeed to the said Title and dignity of Duke of Norfolk
and failing his issue male taking in Philip Howard of Ebury
in the County of Northham Cumberland Esq^r and the issue
male of his body in case also that he and they shall be next entitled
to succeed to the said Title and dignity and failing such issue
male and failing all other male descendants of the s^d Lord
W^m Howard then to the right Honble  Earl of Effingham
and the issue male of his body in case he and they shall be next
entitled to succeed to the said Title and dignity which he &
they are apprehended to be as being the next male descendants

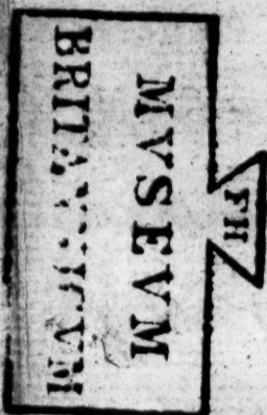
of Duke of Norfolk who lived in the reign of his Majesty
predecessor Rich^d the 3^d long since King of this realm And if
there shall at the time of such settlement and entail so to be
made be any other male descendants of or from any person
or persons of the name of Howard having formerly been
Duke or Dukes of Norfolk the said settlement and entail shall
direct the premises to go and remain to the said male
descendants and their issue male as long as there shall
be any such male descendants in being And failing such
issue male the said settlement and entail shall direct the
said Heredit and premises to revert to the Heir of the body of
the said Lord Tho^s Howard father of the said Edward now
Duke of Norfolk And for default of such issue to the
right Heir of the said Edw^d Duke of Norfolk for ever
Provided and it is hereby declared that all and every the
person or persons now alive or in being who shall be
entitled to take by or under the said settlement shall be
made strict Tenants for life with reasonable powers of lease
To the intent that they may be excluded from all power to
alienate the premise or to bar the said entail which is to be
made in as strict a manner as the rules of law and equity
will permit but the said Tenants for life are to have
reasonable powers to limit Jointures and to make leases
as occasion shall require And if any error or mistake shall
have happened in the directions hereinbefore contained
with respect to the deduction or derivation of the Title
pedigree or genealogy of the several persons of the name
of Howard heretofore Dukes of Norfolk or with respect to
the order or course of succession to the s^d Dignity Title
of Duke of Norfolk Then they the said Trustees the s^d
Rich^d Earl of Scarborough W^m Earl of Strafford & the surv^{rs} of them
and the Heir and Iss^{rs} of such surv^{rs} shall in the execution

of the said several trusts have full power and authority to
alter rectify and amend the same so as that the said Heredits
and premises may be so settled and entailed as to go and be constantly
enjoyed together and along with the said dignity of Duke of Norfolk
so long as it shall please almighty God.

Extracts from the Duke of
Norfolk's Settlement.

Given at St. Dunstons.

As in and for the
Duke of Norfolk's settled
estate, now and to be settled
acts for A. 12. Geo. 3.



lawful for the Person or Persons, whose Body or Goods so taken, by Virtue of such Execution or Executions, as aforesaid, to supersede the same, in the same Manner, as he, she, or they, might or could do, if in Case the Execution or Executions had issued, or were to issue, after the Tenth of *May*, in any Year; any Law, Usage, or Custom, to the contrary, notwithstanding.

An ACT repealing Part of an Act, intituled, An Act, laying an Imposition on Negroes and on several Sorts of Liquors imported, and also on Irish Servants, to prevent the importing too great a Number of Irish Papists into this Province.

BE it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That such Part of the said recited Act, or any other Act of Assembly of this Province, wherein, or whereby, any Duty or Imposition is laid on any *Irish* Servants being Protestants, upon, or by Reason of their Importation into this Province, shall be, and by Virtue of this Act is, abrogated and repealed; and that no Duty or Imposition hereafter, shall or ought to be paid, for or upon the Importation of any Protestant or Protestants from the Kingdom of *Ireland*, or elsewhere, into this Province.

An ACT ascertaining the Gauge and Tare of Tobacco Hogsheads, to prevent cropping, cutting, and defacing Tobacco taken on Board Ships or Vessels upon Freight, to prevent false packing, and making Seconds.

IT being necessary to ascertain the Gauge and Tare of Tobacco Hogsheads, and to prevent the cropping, cutting, and defacing Tobacco taken on Board Ships or other Vessels upon Freight, to prevent false packing of Tobacco, and making Seconds;

BE it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That from and after the End of this present Session of Assembly, it shall and may be lawful for any Person or Persons whatsoever, suspecting, discovering, or knowing of any Hogshead or Hogsheads of Tobacco that shall exceed Forty Eight Inches in the Stave, or Thirty Two Inches in the Diameter of the Head within the Crose, or that shall exceed Thirty Seven Inches Diameter in the Buldge, on any Account or Pretence whatsoever, Thirty Six Inches being supposed a competent Gauge, to call to his Assistance, any Justice of the Peace, Sheriff, Coroner, Vestryman, or Churchwarden, living or residing within the County where such Tobacco shall be suspected, known, or discovered; and to enter into any House, Warehouse, Ship, Boat, or other Vessel, and there, in the Presence of such Justice, or other Officer, as aforesaid, who are thereby required to be aiding and assisting to such Informer therein, to seize and mark with the Broad Arrow, every such Hogshead or Hogsheads of Tobacco as such Informer

K

shall

shall request such Justice, or other Officer, to view, on Suspicion of exceeding the Gauge aforesaid: And also, that such Justice, or other Officer, shall, on Request of such Informer, and is hereby required to proceed in such Manner as he shall think most proper, to examine the Gauge thereof, so as no Hogshead or Hogsheads of Tobacco stowed away on Board any Ship, or other Sea Vessel, shall, on such Information, be unstowed, unless such Hogshead or Hogsheads appear in View; and if, upon such Examination, any Hogshead or Hogsheads shall be found by such Justice, or other Officer, as aforesaid, to exceed the Gauge aforesaid, it shall and may be lawful then, and not otherwise, for such Justice, or other Officer, immediately to condemn the same to the Use of such Informer, who shall thereupon be immediately vested with the Property thereof, and may convert the same to his own Use accordingly; and the Judgment of such Justice, or other Officer, therein shall be Final. And if the Tobacco so seized and condemned, as aforesaid, should happen to be packed and paid away by any other Person than the Party grieved, so losing such Tobacco, that then, and in all such Cases, the Person or Persons, by whose Order the same was packed and paid away, and condemned, as aforesaid, shall satisfy and pay to the Party grieved, the like Quantity of Tobacco so seized and condemned, as aforesaid: To be recovered in the County Court where such Person or Persons shall actually reside, who shall pack and pay away such Tobacco, seized and condemned, as aforesaid, together with the Plaintiff's real Cost expended thereon.

BUT in Case such Hogshead or Hogsheads be not found to exceed the Gauge aforesaid, then such Mark of Seizure shall be struck out by such Justice, or other Officer aforesaid, and the Seizure be thereby released: But in Case any Person or Persons whatsoever, shall have Sight of any Hogshead or Hogsheads of Tobacco, that he or they shall suspect to exceed the Gauge aforesaid, it shall and may, in such Case, be lawful for such Person or Persons immediately to seize and mark the same, although no such Justice, or other Officer, as aforesaid, be present: Of which Seizure, such Informer shall forthwith give Information to some Justice, or other Officer aforesaid, living and residing in the County where such Hogshead or Hogsheads shall be so marked or seized, who shall be by this Act obliged to go with the Informer, to view and examine the Gauge of such Hogshead or Hogsheads, as aforesaid; and shall, in all Things, proceed to the Viewing, Examination, or Condemnation, of such Hogshead or Hogsheads of Tobacco, after the same Manner, and to the Uses aforesaid, or to releasing the Seizure thereof, as herein before directed. And every such Informer or Seizer, shall pay to the Justice, or other Officer aforesaid, making such View or Condemnation aforesaid, the Sum of Ten Shillings Current Money, for every such Hogshead that such Justice, or other Officer, shall be requested to view or examine, by such Informer, whether the Hogshead or Hogsheads so viewed, be condemned, or not: To be recovered, according to Act of Assembly of this Province, *for speedy Recovery of small Debts, out of Court, before a single Justice.*

AND be it further Enacted, That in Case any of the Justices of the County Courts, any Sheriff, Coroner, or Vestrymen, or Churchwarden, who upon Application made by any Informer, shall, without lawful Excuse or Impediment, refuse or delay to perform what is required by them by this Act, the Justice or Officer so refusing, shall forfeit and pay the

the Sum of Fifteen Shillings Current Money, for every Hogshead so by him refused to be viewed, to the Use of such Informer : To be recovered as last before mentioned.

AND be it further Enacted, by the Authority, Advice, and Consent aforesaid, That no Person or Persons whatsoever, after such Hogshead or Hogsheads of Tobacco, marked with the Broad Arrow aforesaid; and before View thereof by any Officer, as aforesaid, shall presume to remove, alter, or change, any Hogshead so marked as aforesaid, or the Tobacco therein, so as to avoid the Justice of this Act, nor after View and Condemnation in Manner aforesaid, shall presume to alter or change, or in any-wise meddle with such condemned Hogshead or Hogsheads of Tobacco, without Leave or License from such Informer, under the Penalty and Forfeiture for every Hogshead of Tobacco so removed, altered, or changed, as aforesaid, the Sum of Twelve Hundred Pounds of Tobacco, to the Use of such Informer : To be recovered in any County Court within this Province, by Action of Debt, Bill, Complaint, or Information, wherein no Essoin, Protection, or Wager of Law to be allowed.

A N D whereas, the Inhabitants of this Province, that ship Tobacco on Board Ships and other Vessels upon Freight, are much abused, by the cropping, cutting, lessening, and diminishing the Hogsheads, wherein such Tobacco is packed, by the Masters of Ships or other Vessels, or by other Persons under their Command and Government : For Remedy whereof for the Future,

B E it Enacted, by the Authority, Advice, and Consent aforesaid, That if any Master of a Ship or other Vessel within this Province, after the End of this present Session of Assembly, shall receive any Hogshead or Hogsheads of Tobacco, on Board his said Ship or Vessel upon Freight, and shall either by himself, or any other Person, or Officer, on Board his said Ship or Vessel, under his Command, cut, or suffer any Hogshead or Hogsheads of Tobacco, to be cut, cropped, or lessened, in their Length or Breadth, or by any other Ways or Means, abused, defaced, or impaired; that then, and in every such Case, such Master of such Ship or Vessel, for every Hogshead of Tobacco so cut, or suffered to be cut, cropped, or lessened, in their Length or Breadth, abused, defaced or impaired, to be proved by the Oath of any sufficient Person, to whom the Tobacco is consigned in *Great-Britain*, or other sufficient Witness, taken before any Magistrate, and sent hither under his Hand and Seal, or by any other legal Proof whatsoever, made in this Province, or elsewhere, shall forfeit and pay the Sum of Six Hundred Pounds of Tobacco, or Fifty Shillings *Sterling*, to the Party grieved : To be recovered in any Court of Record in this Province, against such Master or his Sureties, by Action of Debt; or on the Case, within Two Years after the Date of the Bill or Bills of Lading of such Tobacco.

AND be it further Enacted, by the Authority aforesaid, That the Security or Securities, of any Master of Ship or Vessel, within this Province, shall be liable to make Satisfaction, according to this Act, for the cropping, cutting, abusing, defacing, or impairing, any Hogshead or Hogsheads of Tobacco, as aforesaid, and prosecuted in any Court of Record within this Province, that can hold Plea thereof; and that every Naval Officer within this Province, shall, on Pain of Fifty Shillings *Sterling*, certify

tify under his Hand and Seal, who are the Security or Securities of any such Master, which shall be sufficient Evidence in any Court of Record, where such Action is commenced, to prove who are the Security or Securities of such Master; for which Certificate, the Naval Officer may have and receive One Shilling, and no more: And that the several and respective Naval Officers within this Province, shall hang a fair Copy of this Act in their respective Offices, for the Perusal of Masters of Ships and Vessels: The said Naval Officer to have and receive for the said Copy, One Hundred Pounds of Tobacco, to be allowed in the County Levy.

BE it Enacted, by the Authority aforesaid, That if any Person or Persons having the immediate Rule, Direction, or Government of any Plantation where Tobacco is or shall be made, shall false pack any Hogshead, or use any fraudulent or deceitful Practice or Means to conceal or hide any Frost-bitten, Trashy Ground Leaves, small Scrubs, Stalks, Stems, Wood, Dirt, or any manner of Trash, or decayed old Tobacco, and shall offer to tender or pay away the same as good merchantable Tobacco, and shall be convicted of such false packing, before any Justice of the Peace, who shall, by Virtue of this Act, have Cognizance thereof, as in Case of small Debts, shall, for every such Offence, forfeit Four Hundred Pounds of Tobacco, to the Party to whom such Tobacco shall be paid or tendered, or offered to be paid, if such Party will prosecute for the same within Two Months after the Offence committed: And in Case such Party should neglect or refuse to prosecute, the said Penalty shall and may be recoverable by any other Person, to his own Use, that will inform and prosecute for the same within Three Months after such Neglect or Refusal aforesaid, before any such Justice; any Law, Usage, or Custom, to the contrary, notwithstanding.

AND be it further Enacted, by the Authority aforesaid, That any Person paying away any Hogshead or Hogsheads of Tobacco, shall mark, or cause to be marked, on the Buldge thereof, within Five Pounds of the real and exact Weight of the empty Hoghead, on Pain of Four Hundred Pounds of Tobacco: To be recovered and applied in the same Manner, as the Penalty for false packing.

AND be it Enacted, That the Allowance for the Hogshead from the Buyer to the Seller, shall be Eight Pence Current Money of *Maryland*, or Six Pounds of Tobacco, at the Election of the Buyer, for every Hundred Weight of Tobacco the Hogshead shall contain, and so *pro Rato*; which shall be in full Satisfaction for the Hogshead. And to prevent the making of Seconds,

BE it Enacted, by the Authority aforesaid, That all Persons having the Direction of any Plantation or Place where Tobacco shall be made, shall be obliged Yearly and every Year, during the Continuance of this Act, to cut up, or cause to be cut up, all the Tobacco Stalks on such Plantation or Place, within the Space of Twenty Days after the Tobacco shall be cut down and housed, on Pain of forfeiting Two Hundred Pounds of Tobacco for every Person employed in making Tobacco on such Plantation or Place: One Moiety to be applied towards supporting the Publick School of the County where the Fact shall be committed; and the other Moiety to any Person or Persons that will sue for the same: To be recovered in the County Court, where the Penalty shall exceed Four Hundred Pounds of Tobacco,

bacco, by Action of Debt, Bill, Plaint, or Information, wherein no Efford, Protection, or Wager of Law, shall be allowed; and where the Penalty shall not exceed Four Hundred Pounds of Tobacco, that the same shall be recovered by the Prosecutor to his own Use, before a single Magistrate.

AND be it Enacted, That such Part of an Act of Assembly, intituled, An Act for securing Merchants and Others Tobacco, after they have received it, and the declaring the altering the Mark or Quality thereof, to be Felony, and against false packing, as relates to false packing, shall be, and is hereby repealed and abrogated.

THIS Act to continue in Force from the End of this Session of Assembly, 'till the Twenty Ninth Day of September, that shall be in the Year of our Lord One Thousand Seven Hundred and Thirty Three.

An ACT to explain Part of an Act, intituled, an Act for the Advancement of Justice.

WHEREAS, by the said Act for the Advancement of Justice, all Bonds and other Obligations, under Hand and Seal, are assignable from one Person to another, and that the Assignee shall and may, by Virtue of such Assignment, maintain an Action in his or her own Name against the Oblige and Obligees. And whereas, it has been doubted, whether the Assignee or Assignees might also maintain an Action or Actions in his, her, or their own Name, against any Obligor or Obligors, by Virtue of such Assignment: For removing of which Doubt,

BE it Enacted and Declared, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That any Assignee or Assignees shall have and maintain, and ought to have and maintain any Action or Actions in the Name of such Assignee or Assignees, on any Bond, or other Obligation, under Hand and Seal assigned, according to the Directions of the said Act, against the Obligor or Obligors; any Usage, or Custom, to the contrary, notwithstanding.

PROVIDED, That where any Debt shall be lost, by the Negligence of the Assignee or Assignees, that the Assignor or Assignors shall not be liable, any such Assignment notwithstanding.

AND provided also, That the Assignor or Assignors shall make Oath or Affirmation, if a Quaker, before some Magistrate, that he, she, or they hath or have received no Part of the Sum mentioned in such Obligation, or but such Part thereof, as shall be mentioned in such Oath or Affirmation, at the Time of making any Assignment to be indorsed on such Bond or Obligation.

AND be it likewise Enacted, That any Person knowingly swearing or affirming falsely, and being thereof convicted by due Course of Law, shall suffer, as in Case of wilful and corrupt Perjury.

An ACT for the Assessment of Sixty Thousand Pounds of Tobacco on the Taxable Inhabitants of Durham Parish, in Charles County, for the building a Church.

WHEREAS, the Vestrymen, and several other Inhabitants of *Durham* Parish, in *Charles* County, by their Petition to this General Assembly, have set forth, That their Parish Church is so decayed, that it is impracticable to repair it; and have prayed, that an Act may pass, that so much Tobacco may be levied on the Taxable Persons of the said Parish, to be paid, by equal Proportions, at Three several Times, to enable them to build the said Church,

BE it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Justices of Charles County Court, shall and may, and they are hereby authorized and directed, on the Application of the Vestrymen and Churchwardens of the said Parish, to assess and levy on the Taxable Inhabitants of the said Parish, the Quantity of Sixty Thousand Pounds of Tobacco for the Uses aforesaid; but that not above the Quantity of Twenty Thousand Pounds of Tobacco be levied in any One Year; which said Tobacco so to be levied, shall be collected by the Sheriff of Charles County, for the Time being, who is hereby authorized and directed to collect the same, and who shall have, for such Collection, at and after the Rate of Five per Cent. And the said Tobacco, when so collected, shall be paid Yearly to the Vestrymen and Churchwardens, who are hereby authorized and required to apply the same to the building and finishing a new Church in the said Parish.

An ACT for the Assessment of so much Tobacco on the Inhabitants of St. Paul's Parish, in Prince-George's County, as will build them a new Parish Church and Chapel of Ease.

WHEREAS, the Vestrymen, Churchwardens, and other the Inhabitants of *St. Paul's* Parish, in *Prince-George's* County, have, by their Petition to this General Assembly, set forth, That their Parish Church and Chapel of Ease, are so extremely out of Repair, that there is an absolute Necessity for building new Ones; and have prayed, that an Act may pass, that so much Tobacco may be levied on the Taxable Persons of the said Parish, as will enable them to build first a new Church, and afterwards a Chapel, in such Place in the said Parish, as shall be thought most convenient by the Majority of the Parishioners,

BE it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Justices of Prince-George's County, shall and may, and they are hereby authorized and directed, on the Application of the Vestrymen and Churchwardens of the said Parish, to assess and levy on the Taxable Persons of the said Parish, any Quantity of Tobacco, not exceeding Twenty Thousand Pounds of Tobacco in any One Year, and to continue

tinue so doing Yearly, until there shall be a sufficient Quantity of Tobacco levied to erect and compleat a new Church and Chapel in such Part of the said Parish, as shall be thought most convenient by the Majority of the Parishioners; which said Tobacco so to be levied, shall be collected by the Sheriff of *Prince-George's* County, for the Time being, who is hereby authorized and directed to collect the same; and who shall have, for such Collection, at and after the Rate of Five *per Cent*. And the said Tobacco, when so collected, shall be paid Yearly to the Vestrymen and Churchwardens, who are hereby authorized and required to apply the same to the building and finishing first a new Church, and then a Chapel in the said Parish.

An ACT for raising a Duty of Three Pence per Hogshead on all Tobacco exported out of this Province, for the Uses therein mentioned.

WHEREAS, his Lordship the Right Honorable the Lord Proprietary, has been pleased to constitute and appoint His Excellency *Samuel Ogle*, Esquire, his Lieutenant-Governor in and over this his Province of *Maryland*, to whom We (his Lordship's Tenants) yield all due Obedience; and the better to demonstrate our Gratitude to his Lordship, and to shew the good Respects we have for and towards the said *Samuel Ogle*, Esquire, our present Governor, and the great Hopes and Expectation we have of his Excellency's good Government over us, We most humbly pray, that it may be Enacted,

AND be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Imposition of Three Pence *Sterling* per Hogshead, over and above the Duties already imposed on the Export of Tobacco, upon all Tobacco that shall be exported out of this Province, after the Twenty Ninth Day of *September* next, by Land or by Water; and Three Pence *Sterling* upon every Four Hundred Pounds of Tobacco, be it in Chest or Case, or other Package, to be paid by the Master of every Ship or Vessel, or other Person trading into, or living in this Province, in *Sterling* Money of *Great-Britain*, or Bills of Exchange, at the Election and Choice of the said Master, or others; to be collected by the Naval Officer, at the Port or District where such Ship or Vessel shall enter: To be applied to the Uses, and in the Manner following, (that is to say,) Three Half Pence of the said Three Pence per Hogshead so to be collected, as aforesaid, to be applied towards the Encouragement of One Publick School in every County within this Province, (that is to say,) One equal Share thereof towards the Support of each School; and the remaining Three Half Pence so to be collected, as aforesaid, be paid by the Naval Officers aforesaid, to his Excellency *Samuel Ogle*, Esquire, Lieutenant-Governor in and over this Province, for his Use, and better Maintenance; for which Collection, the several Naval Officers shall be allowed after the Rate of Eight *per Cent*.

AND be it Enacted and Declared, by the Authority aforesaid, That if any Tobacco should by any casual Means be lost, after the Imposition be paid, that then, and in all such Cases, the Owner and Freighter of all such

such Tobaccos, shall have free Liberty to freight and ship off the like Quantity, without paying the additional Three Pence.

THIS Act to continue 'till the Twenty Ninth Day of *September*, which shall be in the Year of our Lord Seventeen Hundred Thirty and Three.

An ACT for laying an Impsition of Three Pence per Hogshead on all Tobacco exported out of this Province, for the Time therein mentioned.

BE it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That for all Tobacco that shall be exported out of this Province, from the Twenty Ninth Day of *September* next, until the Twenty Ninth Day of *September*, which shall be in the Year of our Lord Seventeen Hundred Thirty and Three, there shall be raised, collected, and paid, to the several Naval Officers within this Province, Three Pence *Sterling*, in Specie, or good Bills of Exchange, at the Choice of the Exporter, for every Hogshead of Tobacco; and Three Pence *Sterling* for every Six Hundred Pounds of Tobacco in any other Package than Hogsheads, and in Proportion for any other Quantity: and the Payment thereof, to be made and secured, as other Duties on Tobacco are directed to be paid and secured: Which Duty shall be applied and disposed of in such Manner as shall be directed and appointed by the Governor or President, for the Time being, and the Upper and Lower Houses of Assembly, and not otherwise: Provided the usual Allowance be made to the several Naval Officers for collecting the Duties therein mentioned.

An ACT for the Continuance of Saint Mary's County Court, Baltimore County Court, and Talbot County Court, from the first Tuesday of August, until the first Tuesday of November next; and for the further Continuance of Causes in the said Courts.

WHEREAS, several of the Justices of the said respective Counties, and also several of the Attornies practising in the said Courts, are Members of the Assembly, and obliged to attend their Duty therein:

BE it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That all Causes, Pleas, Procefs, and Proceedings, either Civil or Criminal, now depending in, or returnable to, any of the said County Courts to be held the first *Tuesday* of *August*, this present Year, shall be and are, by Virtue of this Act, continued from the said first *Tuesday* in *August*, until the first *Tuesday* in *November* next, and shall then be in the same State, Plight, and Condition, as they would be on the said first *Tuesday* of *August*; any Law, Usage, or Custom, to the contrary, notwithstanding.

AND

AND be it further Enacted, That the Justices of the said County Courts may, by Virtue of this Act, continue any Cause now depending in any of the said County Courts, or which shall be depending, by Virtue of any Process returnable to the said first *Tuesday* in *August*, for any longer Time than the present Limitation, not exceeding Two Courts; any Law, Usage, or Custom, to the contrary, notwithstanding.

An ACT empowering a Committee to lay, assess, and apportion, the Publick Levy, for this present Year, One Thousand Seven Hundred and Thirty Two.

WHEREAS, this present General Assembly have, for the defraying the Publick Charge of this Province, to the First Day of *August* last, raised a certain Sum of Tobacco; and Money, amounting to Two Hundred Fifty Five Thousand Seven Hundred and Thirty Six Pounds of Tobacco, and to One Hundred and Twenty Eight Pounds Nineteen Shillings and Ten Pence Current Money, as by the Journal of the Committee of Accounts appears: But by Reason more Publick Charges may arise and grow due, before the usual and accustomed Time of Payment, which is the Tenth of *November*, Yearly; at which Time again, to call and convene the whole Assembly for that Occasion only, considering the great Number of them, and the Remoteness of their Habitations from the Place appointed, would be very chargeable and troublesome to the whole Province in general:

BE it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Honourable *Charles Calvert*, *Philemon Lloyd*, *Benjamin Tasker*, *Philip Lee*, and *George Plater*, Esqrs; Members of His Lordship's Upper House of Assembly; and the Honourable *Col. John Mackall*, *Capt. Thomas Waughop*, *Capt. Ebenezer Blackstone*, *John Beale*, Esq; *Col. Robert Hanson*, *Capt. George Dasbiel*, *Mr. John Edmunson*, *Capt. Henry Hooper*, *Mr. Joshua George*, *Mr. William Hamilton*, *Mr. Ralph Crabb*, and *Mr. William Hemsley*, now of the Honourable Lower House of Assembly, or the major Part of them, be and appear at the City of *Annapolis*, the last *Tuesday* in *October* next, then and there to lay and assess the Publick Levy, already raised; and also to allow, levy, and assess, what further Charges may accrue, which to them shall justly appear to be due from the Publick, not exceeding Two Hundred and Fifty Thousand Pounds of Tobacco, and Three Hundred Pounds in Current Money of this Province, more than what is already raised; and likewise to apportion, order, and pay, out of the Publick Treasury of this Province, the Sum of One Hundred and Twenty Eight Pounds Nineteen Shillings and Ten Pence Current Money of this Province, to the several Persons to whom the same shall be due, as by the Journal of the Committee of Accounts appears; and a fair Journal of all their Proceedings to be delivered to the Clerk of the Lower House of Assembly, for Satisfaction of all Persons therewith concerned, by the Tenth Day of *December* next. And if it shall happen, that His Excellency shall please to convene an Assembly, before the last *Tuesday* in *October* next aforesaid, that then the present Act, and every Thing therein contained, shall be void, and of no Effect.

An ACT for the Relief of Alexander Simms, and Archibald Johnson, languishing Prisoners, in St. Mary's County Gaol.

WHEREAS, the said Alexander Simms, and Archibald Johnson, by their humble Petition to this present General Assembly, have severally set forth, That they have continued Prisoners for Debt, in the Custody of the Sheriff of St. Mary's County, and still continue in the like deplorable Circumstances, not being able to redeem their Bodies, with all the Estate or Interest they have in the World, which they would readily surrender up and part with to their several and respective Creditors, if they would accept of the same, and grant the said Petitioners their Liberty; which seems so unlikely for them to obtain, that (unless relieved by a particular Act to be passed in their Favour, which by their said Petitions, they have humbly prayed,) they must inevitably continue Prisoners for Life, and thereby their Families utterly ruined: And for that the Truth of the said Petitioners Allegations is made appear to this present General Assembly, by sufficient Testimony, and that the said Petitioners, and their Families, are fit Objects of Charity; and that their lying in Gaol can be no Benefit to their Creditors, It is humbly prayed, that the said Petitioners may be relieved, according to their Prayer: And that it may be Enacted,

AND be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That unless all or any of the Creditor or Creditors of the said Alexander Simms, and Archibald Johnson, or the Creditor or Creditors of any, or either of them, or the Attorney or Attornies of such Creditor or Creditors aforesaid, within this Province, shall, within Twenty Days after the End of this Session of Assembly, go to the Sheriff of the aforesaid County of Saint Mary's, and give good Security to pay the Imprisonment Fees, the Sum of Ten Pounds of Tobacco per Day, that shall or may become due from the said Alexander Simms, and Archibald Johnson, after the End of the said Twenty Days; and also find the said Alexander Simms, and Archibald Johnson, or any, or either of them, sufficient Meat, Drink, and Cloathing, during their future Imprisonment: And in Case, they the said Alexander Simms, and Archibald Johnson, shall deliver up and surrender, or cause to be delivered up and surrendered, to the Sheriff of the County aforesaid, in the Presence of Two Justices of the Peace of the said County, whom the said Sheriff is hereby required to summon, on the Request of the said Alexander Simms, and Archibald Johnson, at some convenient Time after the Receipt of this Act, not exceeding Ten Days, all their Real and Personal Estate, either in Possession, Reversion, or Remainder, or in Trust, or in, or unto which they have, or any, or either of them, hath any Claim or Interest whatsoever, And likewise before the Day before mentioned, convey, assign, transfer, and make over unto the Sheriff of Saint Mary's County, for the Use of the said Creditors, all such their Estate, Interest, or Claim as aforesaid, after such Manner as by the said Sheriff, and the major Part of the said Creditors, or of such of them, as shall think fit to direct therein, or their Council learned in the Law, shall reasonably devise or require, at the Cost and Charges of such Persons as shall claim the Benefit thereof; so as the said Alexander Simms, and Archibald Johnson, be not burthened with any Warranties thereby, other then from themselves, or those that claim by, from, or under them. And that the said Alexander Simms, and Archibald Johnson, and either of them, at the Time of such their Surrender and Transferring their Estate as aforesaid, shall take his or their solemn Oath or Oaths, (or Affirmation if a Quaker) before the said Two Justices of the County aforesaid, to be summoned as aforesaid, to the Effect following, viz.

I A. B. do affirm, or solemnly affirm, That the Goods, Debts, and Effects, which I have delivered, assigned, and made over, to the Sheriff of Saint Mary's County, and in Trust for the Use of my Creditors, is the whole Estate both Real and Personal of my own, in Possession, or have any Title to in the World; and that I have not any Estate, Goods, or Effects of any kind whatsoever left, either in Possession, Reversion, or Remainder (the necessary wearing Apparel for my self, Wife, and Children excepted:) and that I have not directly or indirectly sold, leased, or otherwise conveyed, disposed of, or intrusted all or any Part of my Estate, whereby to defraud my Creditors, or to secure the same, to receive or expect any Profit or Advantage thereof.
So help me G O D.

It shall and may be lawful for the Sheriff of the County aforesaid, after the End of the said Twenty Days, and the said Sheriff, is hereby required, to discharge the said Alexander Simms, and Archibald Johnson, out of his Custody, and to suffer them to go at Large.

AND be it further Enacted, by the Authority aforesaid, That the said Alexander Simms, and Archibald Johnson, nor any of them, shall hereafter be imprisoned, by Reason of any Judgment or Decree obtained for the Payment of any Debt, Damage, or Cost, or for or by Reason of any Debt, Damage, or Cost contracted, occurred, occasioned, owing, or growing due before the End of this Session of Assembly; but that upon every Arrest on any such Judgment or Decree, or for any such Debt, Damage, or Cost, it shall and may be lawful for the Judge or Justices of the Court, where any Process shall issue, upon shewing a Duplicate of the Discharge of the said Alexander Simms, and Archibald Johnson, or any of them, that shall be so arrested, to release and discharge out of Custody, the said Alexander Simms, and Archibald Johnson, or any of them, that shall be so arrested.

PROVIDED, the said Alexander Simms, and Archibald Johnson, or any of them, that shall be so arrested, shall and do enter his or their Appearance, or procure some Attorney to appear to every such Action, and plead thereto,

PROVIDED, That the Discharge of the said Alexander Simms, and Archibald Johnson, of any of them, shall not acquit any other Person from such Debt, Damage, or Cost, or any Part thereof; but that all such Persons shall be answerable for the same, in such Manner, as they were before the Passing of this Act.

PROVIDED always, and be it Enacted, by the Authority aforesaid, That notwithstanding the Discharge of the said Alexander Simms, and Archibald Johnson, all and every Debt or Debts, due or owing from them and every of them, and all and every Judgment had and taken, or Decree obtained against them, or any of them shall stand, and be good and effectual in the Law, to all Intents and Purposes, against the Lands, Tenements, and Hereditaments, Goods, and Chattels of them, and every of them, which they, or any of them, or any other Person in Trust, or to the Use of them, or any of them, at the Time of the Discharge of the said Alexander Simms, and Archibald Johnson, or any of them, or which they, or any of them, at any Time hereafter, shall, or may be any way seized or possessed of, or intrusted in, to their own Use, or to the Use of any of them, or in their proper Right, or in the proper Right of any of them, either in Law or Equity, except the Wearing Apparel and Bedding, or Working Tools of them, or any of them, not exceeding the Value of Five Pounds Current Money. And it shall and may be lawful for any of their Creditors, their Executors, Administrators, or Assigns, to take out a new Execution or new Executions, against the Lands Tenements, or Hereditaments, Goods or, Chattels, of the said Alexander Simms, and Archibald Johnson, or any of them, (except as before excepted) for the Satisfaction of his or their Debt or Debts, in such Sort, Manner, and Form, as he or they might have done, if the said Alexander Simms, and Archibald Johnson, or any of them, had not been taken in Execution, or discharged by Virtue of the Act.

AND be it Enacted, by the Authority aforesaid, That if any Action of Escape be brought against any Sheriff, or any Suit or Action be brought against any Justice or Justices, for performing their Office in Pursuance of this Act, he or they may plead the General Issue, and give this Act and the special Matter in Evidence, if the Plaintiff be Nonsuit, or discontinue his or her Action, or Verdict passed against such Plaintiff, or Judgment upon Demurrer, the Defendant shall have and recover double Costs.

PROVIDED also, That nothing in this Act shall extend, or be construed to extend, to bar any Creditor or Creditors of the before mentioned Prisoners, or any of them, from having or maintaining any Action of Escape against any Sheriff, who hath permitted any Escape before the making of this Act.

PROVIDED nevertheless, That in Case the said Alexander Simms, and Archibald Johnson, or any of them, shall, at any Time after the making such their Oath or Oaths, or taking such Affirmation as aforesaid, be convicted of wilful and corrupt Perjury thereupon, or of a wilful Breach or Non-Compliance with the Tenour of such Oath or Affirmation as aforesaid, that then the said Alexander Simms, and Archibald Johnson, or such of them as shall be convicted as aforesaid, shall, upon such Conviction, be wholly deprived of any Benefit intended him, them, or any of them, by this Law; and shall be from thenceforth liable to be prosecuted for any Debts or Demands whatsoever, in the same Manner as if this Act, had never been made; any thing therein contained to the contrary, notwithstanding.

PROVIDED always, That the Sheriff of St. Mary's County, shall be first satisfied his Imprisonment Fees, out of the respective Effects of the said Prisoners, before any other Creditor or Creditors shall have any Share of the Prisoners Effects. And if the said Prisoners Effects shall not be sufficient to pay and satisfy to the Sheriff, his Imprisonment Fees, that then each respective Prisoner shall, after his Release out of Prison, be liable to pay and satisfy to the Sheriff, the Residue of his Imprisonment Fees: Provided, that the said Sheriff, shall not prosecute or imprison such Prisoner within Two Years after his Release; any Thing in this Act to the contrary, notwithstanding.

SAVING to His most Sacred Majesty, His Heirs and Successors, the Right Honourable the Lord Proprietary, His Heirs and Successors, and all Bodies Politick and Corporate, and all others not mentioned in this Act, their several and respective Rights.

The following PRIVATE LAWS, were also Enacted this Session.

AN ACT to enable the Clerk of the Provincial Court, or the Clerk of Baltimore County Court, to Record a Deed of Bargain and Sale, from Beneny Fanning, and Hannah his Wife, to John Contee, and to make the same Deed Valid.

AN ACT to repeal an Act, intituled, An Act for the Relief of the Devisees of James Philips the Elder, and Anthony Philips, late of Baltimore County, deceased:

AN ACT for the Relief of Anne Osburn, of St. Mary's County.

AN ACT for the Naturalization of Onorio Rozalini, of Annapolis.

THE HISTORY OF THE
CITY OF LONDON
FROM THE FOUNDATION
TO THE PRESENT
TIME
BY
JOHN STOW
1618



THE HISTORY OF THE
CITY OF LONDON
FROM THE FOUNDATION
TO THE PRESENT
TIME
BY
JOHN STOW
1618